

Gov Doc CAN COM
CANADA, CAPITAL AND CORPORAL PUNISHMENT AND
LOTTERIES, JOINT COMMITTEE OF THE SENATE AND
THE HOUSE OF COMMONS ON,

SECOND SESSION—TWENTY-SECOND PARLIAMENT
1955



Joint Committee of the Senate and the House of Commons

ON

CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

Joint Chairmen:—The Honourable Senator Salter A. Hayden

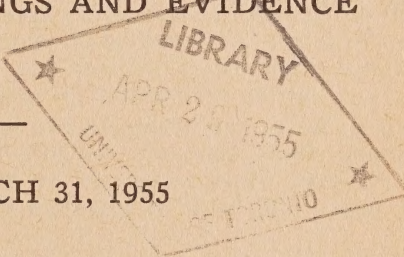
and

Mr. Don F. Brown, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

THURSDAY, MARCH 31, 1955



WITNESSES:

Representing the Canadian Association of Chiefs of Police:

Mr. Walter H. Mulligan, President, and Mr. George A. Shea, Secretary-Treasurer.

Appendix: Prepared Statements on Retention of Capital Punishment
(Briefs No. 1 and No. 2).

COMMITTEE MEMBERSHIP

For the Senate (10)

Hon. Walter M. Aseltine	Hon. Nancy Hodges
Hon. John W. de B. Farris	Hon. John A. McDonald
Hon. Muriel McQueen Fergusson	Hon. Arthur W. Roebuck
Hon. Salter A. Hayden	Hon. L. D. Tremblay
(<i>Joint Chairman</i>)	Hon. Clarence Joseph Veniot
	Hon. Thomas Vien

For the House of Commons (17)

Miss Sybil Bennett	Mr. R. W. Mitchell
Mr. Maurice Boisvert	Mr. G. W. Montgomery
Mr. J. E. Brown	Mr. H. J. Murphy
Mr. Don. F. Brown (<i>Joint Chairman</i>)	Mrs. Ann Shipley
Mr. A. J. P. Cameron	Mr. Ross Thatcher
Mr. F. T. Fairey	Mr. R. Thomas
Hon. Stuart S. Garson	Mr. Philippe Valois
Mr. Yves Leduc	Mr. H. E. Winch
Mr. A. R. Lusby	

A. Small,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, March 31, 1955.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries met at 11.00 a.m. Mr. Don. F. Brown, Joint Chairman, presided.

Present:

The Senate: The Honourable Senators Farris, Fergusson, Hodges, and Tremblay—(4).

The House of Commons: Miss Bennett, Messrs. Boisvert, Brown (*Brantford*), Brown (*Essex West*), Cameron (*High Park*), Fairey, Garson, Leduc (*Verdun*), Mitchell (*London*), Murphy (*Westmorland*), Shipley (*Mrs.*), Thatcher, Thomas, Valois, and Winch—(15).

In attendance:

Representing the Canadian Association of Chiefs of Police:

Mr. Walter H. Mulligan, President; and Mr. George A. Shea, Secretary-Treasurer.

Counsel to the Committee: Mr. D. G. Blair.

On motion of the Honourable Senator Fergusson, seconded by the Honourable Senator Hodges, the Honourable Senator Farris was elected to act for the day on behalf of the Joint Chairman representing the Senate due to his unavoidable absence.

After discussion and explanation by the presiding Chairman, on motion of the Honourable Senator Hodges, seconded by Mrs. Shipley,

Ordered,—That, for the purpose of taking evidence only, during the period April 18 to May 3 the Orders of Reference with respect to the quorum be interpreted to mean “any nine members” and that the Committee’s resolution of February 2 in relation thereto be suspended during that period.

Messrs. Shea and Mulligan were called and presented two briefs on behalf of the Canadian Association of Chiefs of Police. The said briefs (copies of which had been distributed in advance to all members) were taken as read and ordered to be appended to this day’s evidence as Brief No. 1 and Brief No. 2.

Messrs. Shea and Mulligan were questioned thereon. During the course of the questioning period, the Committee ordered that Counsel to the Committee and the witnesses re-examine, in consultation with the Dominion Bureau of Statistics, the statistical figures in the appendices of Brief No. 1 and add thereto an explanatory footnote to preclude any misinterpretation. (*See Minutes for April 5 for final decision of the Committee*).

The presiding Chairman expressed the Committee’s appreciation to the witnesses for their association’s presentations.

The witnesses retired.

At 12.50 p.m., the Committee adjourned to meet again as scheduled.

A. Small,
Clerk of the Committee.

EVIDENCE

THURSDAY, March 31st, 1955
11.00 a.m.

EXPLANATORY NOTE: *The deletions indicated below in the evidence for this day were ordered by the Committee (Full particulars of the deletions are contained in the Minutes of the Committee for April 5). Two statistical tables presented by Mr. George A. Shea as Appendix "B" to his Brief No. 1 were found to have inaccurately recorded statistical information obtained from publications of the Bureau of Statistics. The Committee ordered the deletion from the printed record of the two statistical tables together with explanatory comment in Brief No. 1 and the questions and answers relating thereto.*

The PRESIDING CHAIRMAN (Mr. Brown, Essex West): Will you come to order, ladies and gentlemen please.

A motion will now be entertained to fill the vacancy as co-chairman from the Senate.

Hon. Mrs. FERGUSON: I move, seconded by Senator Hodges, that Senator Farris be co-chairman for the day.

Carried.

(Senator Farris took the chair as co-chairman).

The PRESIDING CHAIRMAN: Now, a motion will also be entertained with respect to the quorum of the committee.

Hon. Mrs. HODGES: I move, for the purposes of taking evidence of the committee during the period April 18 to May 3 that the Orders of Reference with respect to the quorum be interpreted to mean "any nine members" and that the committee's resolution of February 2 in relation thereto be suspended during that period.

Mrs. SHIPLEY: I second the motion.

The PRESIDING CHAIRMAN: Probably I should explain this. The reason for this is that the House of Commons resumes after the Easter recess on April 18. The Senate, of course, is not going to resume until May 3. Now, we have arranged tentative hearings for the intervening period between April 18 and May 3. The motion proposed is necessary in order to authorize the committee to meet without Senate members for the purpose of hearing evidence only. Mind you, we will be very pleased if some of the Senators would come back during the Easter recess.

Hon. Mrs. FERGUSON: It is not a joint committee of the Senate and the House of Commons if it does not have to have representation from the Senate.

The PRESIDING CHAIRMAN: Would you care to come back?

Hon. Mrs. FERGUSON: No.

The PRESIDING CHAIRMAN: What would you suggest?

Hon. Mrs. FERGUSON: I do not know that I would even vote against it, but I would like to say that it does not seem to me to be a joint committee.

Hon. Mr. FARRIS: I think that we can confirm the action when we come back.

The PRESIDING CHAIRMAN: We would confirm or ratify the taking of evidence by this committee. We cannot make any decision as a committee without the Senate representation.

Mrs. SHIPLEY: I think, Mr. Chairman, you have forgotten to mention perhaps the most important reason for the resolution which is we are trying very hard, as you know, to be able to bring in our report before this session is over. It was felt that if we did not receive some of this evidence in that period that we might not be able to complete it. The evidence would all be printed and would be available.

That was the principal reason for making this suggestion.

Hon. Mrs. FERGUSON: I thought that when it was first discussed, Mr. Chairman, as to the quorum that it was definitely decided that Senators would have to sit on the committee.

The PRESIDING CHAIRMAN: That is the reason for this resolution.

Hon. Mr. FARRIS: We have already passed a resolution authorizing our counsel to take evidence and bring it back to this committee. So, if on no other theory, if they sit without Senators being present it can be confirmed and accepted when we meet again.

Hon. Mrs. FERGUSON: I will not oppose it, Mr. Chairman.

The PRESIDING CHAIRMAN: We would rather not have had to present that resolution.

Hon. Mrs. FERGUSON: Would you be good enough to tell us what the dates are on which you expect to have meetings because I might come back.

The PRESIDING CHAIRMAN: We will be very happy to have you.

Hon. Mr. FARRIS: This resolution does not exclude us.

The PRESIDING CHAIRMAN: We have April 21, April 26 and April 28. Those dates are also subject to confirmation by the witnesses of course. It may be that we may not have to hold meetings on those suggested dates.

Hon. Mrs. FERGUSON: On April 21, is it to be on the subject of capital punishment, corporal punishment or lotteries, or all three?

Mr. BLAIR: I believe it will be on corporal punishment if the meeting is held.

The PRESIDING CHAIRMAN: We have the members of the Canadian Bar Association both for and against capital punishment; that is we will have two members, Mr. Martin and Mr. Sedgwick. We will have the Canadian Welfare Council on capital punishment and the Toronto Juvenile Court, His Honour Judge Stewart, and one other. This has all been discussed by your sub-committee. We have a long list here of persons who will be coming forward.

During the Easter recess of the Senate, what we are trying to do is to continue our hearings of evidence and get them pinned down to a definite date. It may be when April 21 rolls around, for some reason, that we will not have a witness.

Hon. Mrs. HODGES: Quite a number of senators will be down in Vancouver at that time on the narcotics hearings.

Hon. Mr. FARRIS: If the House of Commons talked less we could all meet at the same time.

The PRESIDING CHAIRMAN: As a member of the House of Commons I will go along with you on that.

Are you ready for the question on the resolution?

Carried.

Now, our next meeting will be next Tuesday, April 5, at 11.00 a.m. The meeting will be held in this room and we have as our witness Dr. Thomas Dixon, psychiatrist at the Burwash Reform School. He is not a full-time

psychiatrist, he is a part-time psychiatrist, but he has a wide field of knowledge on this subject.

Probably you would like to have the subcommittee's report approved at last Tuesday's meeting circulated among the members of the committee who were not then present. Would that be agreeable?

Agreed.

Now, we have today as our witnesses the Canadian Association of Chiefs of Police. The briefs were distributed to all members in advance. Unfortunately there were only a limited number of copies of the briefs so we are not able to supply you with additional copies.

If it is the pleasure of the meeting we will now call forward the representatives of the Canadian Association of Chiefs of Police, Chief Mulligan and Chief Shea.

I see that you have two briefs. Are you each presenting a brief or making a presentation?

Mr. WALTER H. MULLIGAN (*President, Canadian Association of Chiefs of Police*): I think, Mr. Chairman, ladies and gentlemen, we can save a lot of your time by pointing out that we have presented some further submissions to you.

The PRESIDING CHAIRMAN: This association has been heard on a previous occasion by this committee and they are here today to give you further presentations as a result of a conference which they have held and further studies which they have made on the subject.

Mr. MULLIGAN: That is right. I would like to point out first of all that at our meeting last September the submissions that were made to the committee last year were fully endorsed by the association, and Chief Shea and myself were instructed to gather further data and to give any additional information we could to the committee.

The PRESIDING CHAIRMAN: Probably we could suggest to the committee that the briefs be taken as read and that they be appended to today's evidence.

Agreed. (*See Briefs No. 1 and No. 2 at Appendix*)

Mr. MULLIGAN: Thank you, Mr. Chairman. I think that my colleague Chief Shea has some remarks to make and then I would suggest we answer any questions by members of the committee.

Hon. Mrs. HODGES: I wonder if I could ask, first of all, where does Chief Shea come from?

Mr. GEORGE SHEA (*Secretary Treasurer of the Canadian Association of Chiefs of Police*): Montreal, inspector of the Canadian National Railways Police.

Mr. BLAIR: Mr. Chairman, I have had an opportunity of conferring in advance with the witnesses and I think that it would be helpful to the committee if Chief Mulligan and Chief Shea were to speak briefly to their briefs giving the salient points they wish to make before we subject them to questions.

The PRESIDING CHAIRMAN: In other words, you do not think that they need to read them?

Mr. BLAIR: That is right.

Mr. SHEA: Mr. Chairman, ladies and gentlemen, I shall not bore you by reading this submission but I should like to point out first of all a few of the salient points.

First of all, in case there should be any confusion, when we came here last year we came as the Chief Constable's Association of Canada. Our name was changed because we feel now that the Canadian Association of Chiefs of Police is a more fitting title.

When we came here last year we did not know really what was expected of us and had no time to confer with our colleagues although we had discussed these matters. We did the best we could from our personal experience and first-hand knowledge. I admit that we were not able to give you any statistics that would mean anything, but this time I took it upon myself to consult the crime reports in the United States issued by the Federal Bureau of Investigation. Appendix "A" of our submission (Brief No. 1) here gives you the 48 states, the first six of which are shown as states which do not have the death penalty. At a glance you will see that the population of the whole six states totals only something like 8,163,000 because Michigan is the only state with any large cities in it. It is a very important city; one other, particularly is Detroit in the state of Michigan, and if you look at the population reported it will show that in Michigan the highest number reported was 3,850,500 in 1953. That means all the municipalities, urban and rural, which have sent in reports. Mr. Hoover points out very definitely that all municipalities do not report, perhaps some townships or small municipalities, but, I take it that a serious crime such as murder would get into the reports through the state authorities. I do not think there is very much chance of anything being wrong. I have confined myself, in picking each state for these five years mentioned, to give you the number of murders which are not accidental manslaughter cases but actual murders; it does not include those attempted murders because they do not classify them as such in the United States, but are included in another category as aggravated assaults.

The figures here are away below what the total estimate for the United States crime is. If you will look at appendix "A" (Brief No. 1) for the state of Michigan you will note in the five years there were 806 murders reported. Now, I have chosen another state which I think is fairly comparable to the eastern part of the country here, the state of Massachusetts, which has a population of 3,729,795, and in that state they have the very large city of Boston. They had only 187 murders as compared with the State of Michigan which has a population of an extra 100,000 people which reported 806 murders. Mr. Hoover goes to great trouble to point out the trends for each year, and on appendix "A" (Brief No. 1) I have shown these figures briefly. I have taken general crime in the United States to show the trend. In 1949, for instance, general crime increased by 4.5 per cent, murder decreased by 8.3 per cent, and in 1950 the increase for general crime is 1.5; murder increased 0.4 per cent. In 1951 general crime 5.1 per cent; and murders decreased 2.9 per cent. I do not have the figures for 1952 which were not available.

The PRESIDING CHAIRMAN: What are you reading from now?

Mr. SHEA: I am reading from page 2 of my submission (Brief No. 1) which is the crime trend, the increase in crime generally. Then, I should like to point out the crime trend as shown by the number of persons in 100,000 reported. Now, it may be said that in 1953 general crime increased 6 per cent and murder decreased 1.2 per cent.

Hon. Mr. Stuart S. GARSON (*Minister of Justice and Attorney General*): This is for the United States as a whole?

Mr. SHEA: Yes.

Hon. Mr. GARSON: What bearing has that on the figures you are quoting?

Mr. SHEA: It is a very fair approximation because it covers all of the major municipalities and state governments. Some rural districts may not be included, but they could not be very great. As Mr. Hoover points out it is a fair approximation. I think I show on here something like a total population reported of 73 million whereas I believe they have 150 million there. The others certainly cannot be of much importance because these reports go into great detail for practically all the well known large cities in the United States and the others would be infinitesimal compared to it.

I gave you there the general crime trend for the entire United States. Here are the six states I have chosen as a comparison on page 3. The first one is Michigan with a population of 3,850,500. It is the highest rate at 4.5. The next five states all have the death penalty and the State of Michigan does not have the death penalty. Massachusetts has 1.3. That 1.3 is not per cent, it is the number in 100,000 population. That is the way they compute it. The total number of murders in Massachusetts is 187 as compared with 806 in the State of Michigan in five years. Pennsylvania, a rather large state, with 5,699,131 reporting population had a ratio of 1.7 with 717. New York with a population of 11,665,437 has a ratio of 3.1, or 1,820 murders. California, another large densely populated place with a population of 6,666,927 had a ratio of 3.5. Ohio, another large state with large cities and a population of 4,924,372 had a ratio of 4.2 or 1,055 murders. I submit that these figures are significant and offset what some others have given here.

I hardly need tell you that when I come here and offer these suggestions I am totally unhampered by any learning in psychiatry, psychology, or sociology. All we know are the police facts and figures. But, I would like to say—and this is found on page 3 of Brief No. 1:

We also offer as strong evidence the fact that the United States, one of the most progressive, powerful and democratic countries of the world, has deemed it prudent to retain the death penalty in 42 of its 48 States, including all of the larger ones, with the exception of Michigan. It is worthy of mention, too, that Great Britain, which can hardly be classed as barbaric or less prudent in humanitarian principles than any other country, has retained Capital Punishment.

We believe that the system of law administration in Canada in dealing with murder cases provides the necessary safeguards to prevent innocent persons being put to death. Furthermore, we know of no case in this country of any innocent person having been executed.

The statement has been made in the evidence before you that imprisoned killers are reported to be well behaved convicts. What does it mean? We imagine it is equivalent to saying that the most ferocious beast of the jungle is a rather quiet and docile animal behind steel bars, but we all know what happens if the beast succeeds in getting out of his cage.

The statement that murder is the least risky of Canadian crimes would seem to merit little time on the part of this Committee to refute it. We know nothing that will cause greater effort on the part of the police of all forces, even with national or international aspects, or anything that will guarantee better results.

(Deletion)

We sincerely believe that all sane persons would prefer a sentence of life imprisonment rather than suffer the death penalty, therefore, we feel that Capital Punishment is definitely an effective deterrent. The adage, "Where there is life, there is hope" would seem to appropriately fit this situation.

May we respectfully submit that we find it a rather sad commentary that honest and well-meaning citizens are always vociferous in behalf of criminals, but the poor victims are abandoned to their fate like voices crying in the wilderness.

In conclusion, we humbly offer the suggestion that, since the subject of the principles of Christianity have been introduced in regard to the death penalty for murder, we believe that the Government has the same right as is claimed for the forcing of its citizens to put to death our enemies in time of war, which principle has long been accepted by all religious denominations.

I based that on the fact that nearly all religious denominations have chaplains in our armed forces.

That is all, Mr. Chairman, and I will be glad to answer any questions.

The PRESIDING CHAIRMAN: I think we will hear from Chief Mulligan now.

Mr. MULLIGAN: Mr. Chairman, in addition to what Chief Shea has said I have taken the opportunity of keeping informed and reading the various minutes of this committee and the evidence of the various witnesses who have appeared before you. I found a great deal of interest in the evidence of Professor Sellin and I studied his evidence and have tried to present some queries or questions in regard to his submissions. I will not take up your time to summarize his remarks to you.

I would like to draw your attention to page 5 of Brief No. 2:

Does the Life Sentence Furnish Adequate Protection Against Murder

Contacted prison authorities throughout Europe, found that murderers serving life imprisonment were not disciplinary problems in the prison; evidently behaving no worse than the rest.

Conclusion

E. H. Sutherland *Principles of Criminology*, 1947.

p. 522 "The behaviour in the institution is significant but is not in itself an adequate test of fitness for freedom".

p. 526 "No satisfactory method of determining when a prisoner has reformed has been developed; his prison record is generally used, but this is unsatisfactory for the reason that a good prisoner is frequently a poor citizen."

The American Prison Association, in their Handbook of Pre-Release Procedures, point out the fact that institutional conformity is not necessarily an indication of reformation or a desire to reform.

It is a well recognized fact with penologists that behaviour in prison is not an accurate indication of the extent of rehabilitation or self-discipline. Some of the most dangerous psychopaths are well behaved in prison. They realize the situation and adjust to it, only to express again, upon release, their hostility, etc., by further crime.

Now, ladies and gentlemen, I pointed out in our submissions last year that our main argument was that the death penalty was a deterrent and contributed to the safety of the police officers. We had a case recently in Vancouver where a man was arrested in connection with the holdup of a bank with two others. This man was convicted and sentenced to 20 years. He appealed his sentence and when it was announced that the appeal had been dismissed this man made a daring escape from the prison. Within a matter of days there was a holdup and it was suggested by investigating officers that this man who escaped might be responsible in connection with that crime. The point I want to make, ladies and gentlemen, is, if capital punishment or if the death penalty were abolished, officers going out to arrest that man on information that he might be in a certain locality, and might be armed, know that 20 years of imprisonment facing him with the additional sentence, for the escape, of possibly life imprisonment would not make any difference to that man, and I suggest a man like that would kill a police officer in his attempt to escape.

I would like to deal with the highlights of Professor Sellin's argument where he makes his comparison between Detroit and Los Angeles. He was answering a question asked by Mr. Mitchell and stated:

Now Detroit, which is the only abolitionist state city that I have, with a population of between 1,568,000 in 1930 and 1,623,000 in 1940, had a much larger number of policemen killed; they had 14 killed. There is a difference there of 14, as compared with 9 in Los Angeles (population, L.A. 1930—1,238,000; 1940—over 1½ million). But you have to consider the nature, as I said, of Los Angeles and the peculiar character of Detroit, a large industrial city with a tremendously great proportion of adult males...

It was argued by the police that there was a deterrent value in the death penalty.

Prof. Sellin here compares the number of policemen killed in Detroit (14), which is in a non-death penalty state, to the number killed in Los Angeles (9), which is in a death penalty state. Detroit is the only city, in a non-death penalty state, for which he has any figures; his material here is rather limited. As the figures show the populations of these two cities are somewhat similar in size, but he states that Detroit has a much higher proportion of adult males, which are the population class having the greatest amount of crime. His reasoning for the higher number of policemen killed in Detroit, situated in a non-death penalty state, is that Detroit has such a high proportion of adult males, and as already mentioned, they are the ones committing the majority of crimes. The writer is well acquainted with the city of Los Angeles, and believes that Prof. Sellin has neglected to mention certain characteristics which are peculiar to Los Angeles: (1) The degree of transient population, of which the majority are males. Is there any difference here from Detroit? I would suspect that it would be greater for Los Angeles. (2) The negro element who are characterized by crimes of violence. I am inclined to believe there are more negroes in Los Angeles. (3) The presence of the lower class southern migratory workers, commonly referred to in Southern California as "Okies". (4) Larger number of Mexican "wet-backs", usually the more aggressive, violent type of Mexican labourer who illegally crosses the border and finds refuge in Los Angeles.

(5) "Pachuco" gangs—gang warfare between various racial elements. I happen to know there have been many serious incidents of knifing and such things by these gangs in this way.

(6) A degree of organized crime. (7) A large amount of drug trafficking. (8) Los Angeles harbour contains the shipping facilities of San Pedro, Wilmington, and Long Beach. The latter has a Naval Station and is the home port for a large number of sailors in the Pacific Fleet.

Prof. Sellin fails to point out that although Los Angeles has a smaller proportion of adult males, that such a difference may be compensated for by the characteristics of its population which are significant for crime, especially crimes of violence. Does Los Angeles have the same amount of crime and conflict as Detroit even with a smaller proportion of males? With respect, it would seem that Prof. Sellin's research as to the comparison of these two cities is rather superficial. No valid conclusions could be based upon such figures as he presents in explaining the greater number of policemen killed in Detroit.

Now, I would like to refer particularly to page 16 of Brief No. 2, the reasons for the decline in the death rate. Professor Sellin is being questioned by Mr. Shaw and some important points, I think, are brought up.

Q. It was impossible for me to be here yesterday afternoon and I had intended to ask this: Prof. Sellin, I was intrigued by this set of graphical diagrams, I to VII, indicating the homicide death rates in American states. In some states there was death penalties and in some there were not. With respect to this gradual decline in the incidence of death rates, have you indicated what, in your belief, are the reasons for this constant decline as shown through all these diagrams? Would you comment on that?

The WITNESS: I do not know if I commented on the specific reason for it and I am not sure I could give more than an extremely general answer. I think, in part, there have been changes and improvements in our economic and social conditions in the United States over a period of time now which are responsible for the result you mention.

POLICE QUERY: As was mentioned previously by Prof. Sellin certainty of detection is the most effective deterrent. When the delegation of Police Chiefs met with your committee last year, we pointed out, in our opening remarks that there had been a tremendous change in the police service in this country over the past two decades. I would like to point out that the same trend applies to the United States, of course. Educational standards for police recruits have been raised. Over this period of years there has been a steady improvement in police techniques and an increased service to the public. Police protection has also increased over the years with advancement in criminal detection, selection of recruit police officers, basic training and refresher courses, increased supervision, broader use of modern scientific aids and specialized branches such as fingerprinting, photography, ballistics, etc., and less corruption.

With this advancement and improvement of the police forces there has been a corresponding advancement in the detection and apprehension of persons suspected of murder, so that conviction for murder is more likely now than ever before. Improvements in social and economic conditions have possibly played a role in this gradual decline in homicide rates, but to what extent, and to what extent has advancement in police protection contributed to such a decline? Could the major reason for this decline be this advancement in the police forces? If so, the question then arises as to whether the police have advanced to a stage where detection and conviction is certain enough that the lesser penalty of imprisonment would be effective as a deterrent. No matter what the penalty is, if the certainty of detection and conviction is reduced, or lost completely, then the effectiveness of the penalty as a deterrent is severely restricted. At the present time our police forces are curtailed in their operation by insufficient budgets, and staff become overloaded and are unable to work at the fullest extent of their ability, etc. Being realistic, however, one has to realize that the taxpayers are not willing to provide a sufficient budget for the utmost in police protection. The essence of the question is, whether the police have advanced to the stage (and I think they have) that their detection methods are able to provide certainty of detection; and secondly are they allowed to operate at the level to which they have advanced (I think not).

Thus the provision of the death penalty, with its deterrent value, supplements the deterrent value presently provided by the certainty of detection by the police. Should the death penalty be abolished? Will life imprisonment provide sufficient deterrence to supplement the deterrent value of detection and conviction provided by our police forces? Serious consideration should be given to providing sufficient finances and resources to our police; such that they may operate to the fullest extent of their ability and knowledge; then possibly the certainty of detection and conviction, would prove to be so effective a deterrent, that life imprisonment may be feasible.

I do not think that I need go any further in that. Those are two of the main points I thought I should like to draw to your attention.

Mr. Chairman, I think if we could answer any questions it would save a great deal of time.

The PRESIDING CHAIRMAN: If that is your pleasure we will now permit questions from members of the committee. I think at this time we should start probably with our counsel and then go around the table.

Mr. BLAIR: I would like to ask Mr. Shea some questions regarding certain statistics which he has presented. I would draw the attention of the committee to Professor Sellin's testimony of last session as it is reported at pages 668 and 669 where you will recall that Professor Sellin produced tables comparing the incidence of homicide in American states which had abolished the death penalty and those which had retained it. To preface my question, you will recall that Professor Sellin broke down his tables into groups trying to compare like states, for example the three northern New England states, Maine, New Hampshire, and Vermont, and the mid-western states of Michigan, Indiana, Iowa, and so on. I would ask Mr. Shea whether he feels that there is such a dissimilarity in the population and other circumstances affecting crime rates in the large states of Michigan, Massachusetts, Pennsylvania, New York, California and Ohio, which he lists on page 3 as to make it impossible to compare murder rates in those six important states?

Mr. SHEA: In answer to that question I do not think that there are any great differences as I have pointed out in this presentation. In dealing with Detroit, Cleveland, New York and the eastern parts of this North American continent our way of life is not very different, but I think we must admit that when you look over the crime statistics of our own country and the United States they increase tremendously where you have a density of population. I think that is only natural because in small towns in New England and particularly in this country you have a lot of old Anglo-Saxon people there quite similar to what we have in the Maritimes and you do not have that *pot-pourri* or melting pot. But, I think in answer to your question, Mr. Blair, I have pointed out that even in New York with its tremendous population,—we know it is perhaps something like one million—there are these individuals who are living in tenement houses, 20 or 30 people, where there should be only 5 or 6 people, and the same type of people who attempted to assassinate President Truman. The Puerto Ricans, who are amongst the real criminal classification, and the police there worry more about these people today than other people. They get to America and some of them succeed in getting money and they do not live as we live. I think that if you take all these figures which the F.B.I. has given us you will see the population of the larger states jumps up tremendously, but even with that I think the best answer to your question is even the larger ones do not have as high a ratio as we have pointed out for Michigan in which the city of Detroit plays such a prominent part. I control a police force in that state and I am very familiar with the crime situation there; Detroit is the big city in the State of Michigan. A lot of coloured people have come up from the south to do war work and have remained, and, although I do not want to blame any particular race, I think it is because they are living together in tremendous numbers and their living conditions are different, so it is unfair to use small states like Maine and New Hampshire. You might just as well use New Brunswick, Nova Scotia or Prince Edward Island. They have many characteristics in common as far as this problem is concerned.

Mr. BLAIR: I have tried to extend the table provided by Mr. Shea in somewhat the same way Professor Sellin projected his tables last year, and

if the committee is prepared to accept my generalization the figures shown in this table presented by Mr. Shea coincide to a substantial extent with those shown by Professor Sellin at the last session.

In Professor Sellin's breakdown of three populous New England states, Rhode Island, Massachusetts, and Connecticut, he shows in 1948 the rate of murder per 100,000 approximated 2 per cent and in 1953 somewhat the same ratio prevails. In 1948, Professor Sellin's table shows in the midwestern states of Michigan, Indiana and Idaho, the rate of murder is of the order of 4.5 per cent, $2\frac{1}{2}$ times as great; and in 1953 the same ratio prevails. This is the basis for my question, again, whether, even in the United States and in the eastern part of the United States all these jurisdictions are comparable and whether you have to break down your comparison between capital punishment states and non-capital punishment states into very small areas as Professor Sellin did? Have you any further comment to make on that?

Mr. SHEA: I would just like to say, to corroborate what you are saying there, that I have just pointed out by giving Michigan and Massachusetts, which have practically the same number within 100,000, but there is such a tremendous difference between the ratio of 4.5 per 100,000 for Michigan and 1.3 per 100,000 for Massachusetts; one is a death penalty state and the other is not.

Mr. BLAIR: In your view there is no substantial difference between the population complex and the background of those two states?

Mr. SHEA: I know these states very well and I do not see much difference in the way of life. I think the greatest factor is there is a density of population. The crime rate generally in these places is certainly greater in the larger cities.

Mr. THATCHER: What about the number of Negroes in these centres?

Mr. SHEA: Boston has a heavy population but there is nothing to show that the Negroes commit all the murders. I cannot find anything to prove that most of these murders are among the Negroes. In going over these crime reports, all the southern states, which are all capital punishment states, have a huge Negro population.

Now, I do not know if that could be attributed particularly to a race of people. I think it is a matter of education. Educational standards are much lower in the south than in the north and in the eastern part of our country. That is perhaps one thing. They have very little of this world's goods to live on and they are dependent on certain crops. If cotton is selling, they make a few cents, but if not, then they are not well off.

I think these are factors which we do not have in our eastern states. The ratio goes up to 15.5 for the state of Georgia for instance, but here we have huge New York with its tremendous population, and a large Negro population too—whenever I visit New York I see all kinds of them there—yet they have a very favourable rate in comparison with Georgia.

Now, if you look at that, you will see that this is comparable in Florida, Georgia, Alabama, and they all have a high ratio, and the only thing you can attribute it to is that they have a tremendously high Negro population.

Mr. THATCHER: I have a question to ask.

The PRESIDING CHAIRMAN: If we start to allow questions at this stage, Mr. Thatcher, we will be getting out of order. Would you mind making a note of it and submit it when your turn comes.

(Deletion)

Mr. WINCH: I think the questions I want to ask will rather obviously be to follow up to ask for a little more enlargement on a question which has

already been asked by Mr. Blair. I am keenly interested in Appendix "A" to Brief No. 1 introduced by Mr. Shea. On Appendix "A" we have broken down between six states which have no capital punishment and the forty-two which do have capital punishment.

I wonder whether Mr. Shea or Mr. Mulligan have any comment to offer concerning the six states which have no capital punishment. The report of murders goes from a low of 1.2 to a high of 4.5 per one hundred thousand of population.

Mr. Shea has emphasized the state of Michigan; and, if you go over the forty-two states which have capital punishment you will see that the rate of homicides goes from .4 to 15.5 per hundred thousand of population and you will find, on going over to Appendix "A" of Brief No. 1 the continual ratios of murder per one hundred thousand of population and that they are far away above even the higher ratio in the case of the capital punishment states. You will see 10.5; 15.5; 11.3; 11.6; 14.5; 11.6; 14.2; and 11.4 and so on.

I would like Mr. Shea to comment on that first as to whether this does not demonstrate that in the capital punishment states the degree of ratio of murders per one hundred thousand is a lot higher on the average than in any of the non-capital punishment states.

And at the same time, can he enlarge a bit more on the phase of it which demonstrates that there must be a phase or basis outside the actual developments which have to do with the question of murder?

Let us take the State of New York, which has a population of just about five million—no, four million short of that of the Dominion of Canada—yet it shows that in the five year period there were 895 murders in that state alone as compared with 97 for the entire Dominion of Canada.

Hon. Mr. GARSON: If this is a question, I am afraid that the witness will not be able to answer it. We are not having a debate.

Mr. WINCH: I thought that was the best way to do it.

Hon. Mr. GARSON: Ask him to explain the statistics. What you are doing is to give your explanation, which of course is very interesting, but if we all take part in it on that basis, we will never get through the work of the committee.

The PRESIDING CHAIRMAN: Have you anything to add to your submission? that all the members of the committee are not trained in legal matters and in the art of cross-examination, and so for that reason I permitted the question to go along.

Mr. WINCH: I have one more sentence.

The PRESIDING CHAIRMAN: Please confine yourself to a question.

Mr. WINCH: That was on the relationship between the United States and Canada where it shows almost ten times the population in Canada, but with a total of 17,000 odd murders as compared with those where we have capital punishment of only 97.

Mr. SHEA: I thought I covered that when I mentioned that the New England states and our own country are fairly comparable. Where you have a density of population, the figure goes up tremendously. In the southern states where there is a high ratio, there is a heavy population of coloured people. I think we all agree. I have travelled through the south and discussed the question with the chiefs of police there and they all admitted that in those states—or a lot of them which are coloured, stabbings, and woundings occur because the people are thrown together for all kinds of reasons. I could not attempt to enumerate them. There may be a lot of it done on the spur of the moment. I imagine a very small proportion would be planned murders, but bar-room fights, street fights and everything else where people may die.

Mr. WINCH: What do you call the New England states?

Mr. SHEA: Massachusetts, New Hampshire, Rhode Island. All those are mentioned on the top there with the exception of Michigan and North Dakota and Minnesota. Maine, and Rhode Island are in the New England area. Massachusetts is in it as well as New Hampshire and Vermont.

Hon. Mrs. HODGES: But not North Dakota?

Mr. SHEA: No. That is in the western area as are Wisconsin and Minnesota. You will find that where the population is small they have a favourable rate, such as rural populations.

The PRESIDING CHAIRMAN: Pardon me, Chief Shea, and Chief Mulligan. Do you intend to make some representations concerning lotteries?

Mr. SHEA: If you wish.

The PRESIDING CHAIRMAN: Could we not have it all at the same time? I understood you had completed your presentation. Perhaps you could say something on lotteries now before we start the question period.

Mr. MULLIGAN: We could confine our submission on lotteries to a question period.

The PRESIDING CHAIRMAN: Have you anything to add to your submission?

Mr. MULLIGAN: No.

The PRESIDING CHAIRMAN: Would the members of the committee now care to submit questions on all three subjects? Mr. Blair, do you have any questions on lotteries?

Mr. BLAIR: I know that we are pressed for time, but would it help the members of the committee if Chief Mulligan presented the highlights of his lotteries submission to the committee?

Mr. MULLIGAN: Very briefly I would point out that we met with you last year and outlined to you some of the efforts of the police in trying to enforce the laws in respect to lotteries. We put it to you how the police are always in the middle of the problem and that we have been the subject of criticism for lack of enforcement. But in spite of the difficulties we still draw to your attention the dangers of fully legalizing lotteries in Canada. We feel—and have pointed out—that there should be clarification of the laws, because there is confusion in the existing laws. We particularly feel there should be perhaps some broadening of the law in respect to gambling and lotteries because we, the police of Canada, say that a law is in disrepute with people when it cannot be properly enforced.

The PRESIDING CHAIRMAN: I gather you have nothing new to add?

Mr. MULLIGAN: No, nothing new.

The PRESIDING CHAIRMAN: Well, then let us proceed with the questions.

Mr. BROWN (*Brantford*): I was interested in the statements with respect to the number of murders in places which have a Negro population. Have you statistics to give us as to the actual number of murders committed by the Negro element in the population?

Mr. MULLIGAN: For Canada?

Mr. BROWN (*Brantford*): For any state in the United States or Canada.

Mr. MULLIGAN: No.

Mr. SHEA: I could give you figures, but I could not qualify them because it is merely information of the number of whites involved and the number of coloured people. That is a little unfair in this respect because when you get south, where there is a dense population of coloured people, the number goes up tremendously; and where you have a bigger population as in New

York there may be very few coloured people involved there; but in all the states the ratio is very high. Therefore I would say again that the coloured people involved would be predominantly in the southern states.

Mr. BROWN (*Brantford*): If you compared the city of Detroit with the city of Los Angeles, you stated there was a higher density; have you any figures on the density of the Negro population?

Mr. SHEA: It is not given, but I would make this observation: take in the city of Detroit; the coloured population must conform to the laws of that state, which has a highly standardized form of education. They have a lot of facilities there which are not available in the south; compulsory education for instance. They must conform with that; their children must go to school, whereas in the south it is not the same thing. So I do not think you can make a fair comparison by races alone.

Mr. BROWN (*Brantford*): On page 8 (Brief No. 2) you stated that the reasons for the few crimes in Los Angeles and you made reference to the Negro element, and crimes of violence. Have you any figures or statistics to reinforce that argument?

Mr. MULLIGAN: No, sir.

Hon. Mrs. HODGES: It does not apply in Canada.

Mr. CAMERON (*High Park*): I would like to ask Chief Mulligan how he would ensure that the profit which comes from the operation of lotteries can be given to the causes for which they are operated, that is taking the profit out of it and ensuring that the profit does go to the benefit of the particular charity?

Mr. MULLIGAN: The only way is to operate it under a system of permits or licences. In that way an application would have to be made to a special authority for a permit to conduct the lottery, and that would have to be sent in and checked and the authority granted to issue a licence.

Mr. CAMERON (*High Park*): With the accounts being audited and so on.

Mr. MULLIGAN: Yes, and a recommendation from the police authorities.

Mr. CAMERON (*High Park*): Where do you think the line should be drawn as to the lotteries which should be subject of licence and the lotteries that you would designate as illegal.

Mr. MULLIGAN: Let us assume that this is going to be dealt with by the provincial governments. I think an application should be made to the Attorney General's department and he, in turn, would send it to the municipality and receive a report.

Mr. CAMERON (*High Park*): Where would you draw the line as to the lotteries which would be legal and the other type which would be illegal? For example, for some years, you have approved of hospital sweepstakes, and you have approved of organizations conducting lotteries for the purpose of charitable institutions and such things. What steps do you think should be taken to ensure that the profits go to the charity in question?

Mr. MULLIGAN: I think that that would be something for your committee to recommend.

Mr. CAMERON (*High Park*): I know that, but I am asking you now what you think about it?

Mr. MULLIGAN: I think they should apply to the Attorney General and he should decide upon it.

Mr. CAMERON (*High Park*): I would like you to say if you do not think the statistics which have been introduced today insofar as capital punishment for murder in Canada are concerned, that our figures, and their application to Canada with relation to those from the United States—that we have an extremely fine record, whatever may be the reason.

Mr. SHEA: That is right. Now, in relation to the question which was just answered about lotteries we pointed out last year that if you could take the profit out of the lottery, whether it be a sweepstake or bingo—and after the point we have discussed, I think that where a racket enters into it is where it is not protected. For instance, let us say that somebody concocts a scheme in New Brunswick. We know that if it is confined to that province, there will not be very much trouble with it, but if you permit them to sell tickets all across Canada, let us say, out in Vancouver, you could not control it, so the legislation would have to deal with the exportation of lottery tickets, and not the person who just buys one. A man from New Brunswick might be visiting Vancouver and somebody asked him to buy a ticket on an automobile. They might be exporting those tickets on a large scale and selling them all across the Dominion. That should be controlled, because it means that they have to have some form of transportation, be it rail, air, or mail. They have greatly curtailed this sort of thing by mail, but the transportation companies are being bothered with it because they ship them as something else. But there are a tremendous number of these lottery shipments seized by the police.

Mr. CAMERON (*High Park*): I was somewhat concerned—maybe this is not germane to the briefs which you have presented today—but Mr. Edmison and others have suggested that our hanging machinery is somewhat barbaric at times in its form of execution. Have you any comment to make on that?

Mr. SHEA: We discussed that last year and said that we were not really concerned. We know nothing about whether a man suffers pain and whether it should be the gas chamber or hanging. I do not think we are concerned in the method.

Mr. CAMERON (*High Park*): Have you any suggestions to make as to whether there should be degrees of murder?

Mr. SHEA: I do not know what Chief Mulligan thinks, but from my own experience in operating in the United States I think it is one of the bad things which they have. I know that they will get pleas of guilty to second degree murder where the evidence indicates a real planned murder but there is always a chance that it would not be successful due to some technical part of the evidence, and they will accept a plea of guilty and give a life sentence or 20 years, something like that. They have a tremendous amount of this which does not show in the figures here. Second degree murders do not show in the figures I have shown. We only gave those absolutely classified as murder.

Mr. CAMERON (*High Park*): You do not think that is good for law enforcement?

Mr. MULLIGAN: We pointed out last year that because a man is convicted of murder it does not necessarily mean he is going to be hanged.

Mr. CAMERON (*High Park*): He has a reasonably good chance of being hanged.

Mr. MULLIGAN: I would like to quote the figures from my city of Vancouver last year. There were 7 murders and 6 arrests; one was sentenced to be hanged and the others were reduced to manslaughter and sentenced to from 5 or 7 years up to life imprisonment.

Mr. CAMERON (*High Park*): During all that time between his conviction and until something else is done he is under the sentence of death and all that that implies.

Hon. Mr. GARSON: Not in the case of manslaughter.

Mr. CAMERON (*High Park*): No. As you know we have had the argument presented here that juries when faced with rendering verdicts are apt to be sympathetic and allow a person who was really guilty to slip through the net

because they do not approve of hanging in that person's particular case. In other words, the accused may escape. Whereas, if the jury could bring in a verdict of murder in the second degree which would carry a lesser sentence they might convict. There are the two extremes.

Mr. MULLIGAN: We, the police, feel that there is no fault to find with our present system.

Mr. CAMERON (*High Park*): I just wanted to know your opinion.

Mr. LEDUC (*Verdun*): Excepting the right to apply to the Minister of Justice for remission, what would be your comment if the jury in convicting an accused for murder had the right to recommend the accused to clemency therefore conferring upon the judge on such recommendation the privilege of rendering a sentence of death or life imprisonment?

Mr. MULLIGAN: We feel it is the same as a jury making a recommendation to the judge and he in turn would pass that on to the Minister of Justice.

Hon. Mr. GARSON: I think that the member means: could the jury make a recommendation for leniency and the judge have discretion to impose the death penalty?

Mr. SHEA: Isn't that the same thing as saying we might have degrees of murder?

Mr. LEDUC (*Verdun*): Yes

Mr. SHEA: We would be opposed to that as police officers. We would be opposed to having degrees of murder. If it were manslaughter it is a different thing. We believe that the machinery is sufficient in Canada today. In fact you do not even have to have a degree of murder. I spend a great deal of time advising the remissions branch in Ottawa in cases of theft as to whether these people should get a ticket-of-leave, and I think they go out of their way to find this information. I do not think that there is anything comparable to it anywhere with the possible exception of England.

Mr. LEDUC (*Verdun*): What do you think of national lotteries for the purpose of education, public assistance, or social services?

Mr. SHEA: I would have to give you my personal opinion and I do not know if that is worth very much.

Mr. LEDUC (*Verdun*): Thank you.

(*Deletion*).

Mrs. SHIPLEY: I would like to ask Chief Mulligan a question with respect to lotteries. I read what you said here with some interest. What would your opinion be if the law were changed so that the maximum amount of giving away at any one bingo were say \$1,000 and there was a limit to the number of bingos of that size that any one organization could have in one year, would you think that that would prevent racketeers from moving in on it and would prevent the great increase that you referred to on page 10 of your report; if the amount were small enough and licensed and controlled of course, would you think that would prevent the things you are worried about?

Mr. MULLIGAN: I think it could.

Mrs. SHIPLEY: If we made it necessary for a person to receive a permit in order to conduct a lottery or bingo where the prizes were in excess of \$50 or \$100 you suggested the application should be made to the attorney general?

Mr. MULLIGAN: Yes.

Mrs. SHIPLEY: Do you not think that the application could be made directly to the police department in the community concerned? The attorney general would of necessity have to judge any decision he made on the investigation made by the local police force and therefore do you not think that the applications could be made to the local police force?

Mr. MULLIGAN: I think it would apply perhaps in a small locality, but in a large city I do not think that they would want the local police chief to have that authority.

Mrs. SHIPLEY: You think that the citizens would not want him to have that authority?

Mr. MULLIGAN: I think so.

Mrs. SHIPLEY: Even though a complete report were sent to the attorney general at all times and it would be properly defined as to who could operate a bingo or a lottery?

Mr. SHEA: We have discussd among ourselves and firmly believe it is very difficult to fix a maximum, whether it is going to be a Cadillac car or a \$1,000 prize, and you sometimes defeat the purpose if it is going to be for actual charity. But, we feel it could be confined to the province where the good is supposed to be derived—they know the amount, they say we want so much money in the drive. We feel that the role the police should play would be to investigate the applicants to ensure they are fit persons to have anything to do with the arrangements and that no individual should be permitted to have a percentage. Let them employ him, but only qualified organizations that are known. We do not think it should be left in the hands of the police to grant the licences because they would be subject to local pressure. We all have our bosses and if the boss said "Give it to him" how could we refuse? We do not care who issues the permit but it has to be under government control somewhere. The important thing is every such lottery should be audited so that you can find out who is getting the money.

Mrs. SHIPLEY: Would you care to comment on this? We all know little legitimate groups hold small bingos where say the prize is \$50 or \$100. Take the Legion, for instance. They have them rather regularly, sometimes on Saturday nights. It would be unthinkable if they had to apply for a licence for everyone of them and you could perhaps give a general licence. Do you think, if the law were changed so that bingos with prizes in excess of a certain amount would have to get a licence from the attorney general, that the local police could handle those below a certain amount?

Mr. SHEA: The municipality could, but we do not think that the police should be the licensing body. I think they should be there to make a report on whether it is right or wrong and the municipality may accept their recommendation or may not.

Mrs. SHIPLEY: You would suggest in this case that a municipal council would grant the licence on the information provided by the police?

Mr. SHEA: Whoever the government would delegate that to. There should be a control higher than the municipality itself. The municipalities sometimes get big like out in Nevada where the people think they are going to run everything. I think there should be a higher power in the province to say that you cannot do that.

Mrs. SHIPLEY: I am differentiating between the small ones and the ones where a municipality wants to build a community hall for instance. In that case they would have to get a licence to hold a large bingo.

Hon. Mrs. FERGUSON: There is one question I would like to ask in respect to page 5 of Brief No. 2. There is a quotation which refers to the fact that a prisoner is frequently a poor citizen. May I ask if either of the witnesses have had experiences where good prisoners when they have been released have turned out to be poor citizens?

Mr. MULLIGAN: Yes. We do know of cases where men have been released from the penitentiary and have been arrested within a few days for committing some major crime and the information from the provincial institution is that they have been model prisoners during their confinement.

Mr. THATCHER: Mr. Chairman, I wonder if Mr. Shea would look at page 3 of Brief No. 1 for the moment. I am wondering why Illinois was left out of that. Illinois is one of the major states. Is there any reason for that?

Mr. SHEA: No. I picked out these and the only reason I gave New York and California was that they were excessively heavy in population. Illinois had 5 million.

Mr. THATCHER: They had 5.6. In other words the point I am making—and I am not blaming you at all—is that you have picked out the states which would best bear out the case you are trying to make.

Mr. SHEA: As we all know Chicago has a tremendous Negro population and all the states with Negroes have a high crime rate.

Mr. THATCHER: Do you not think I could take your figures and make as good a case the other way? I am wondering if these statistics are valuable in making a case for the United States.

Mr. SHEA: Chicago appears to be higher than Michigan but there is no comparison in there. Chicago is one of the largest cities in the world, and they have other large cities in Illinois. Chicago does have a colour problem. I cannot find any statistics to say whether the Negro population of Chicago necessarily augments it, but we know that Chicago is a crime centre of racketeers and I particularly did not pick out Chicago but picked out other states here. I should have left this out and shown comparable population.

Mr. THATCHER: What I am saying is if I were trying to prove the opposite I would pick Illinois.

Mr. SHEA: I do not think that Chicago has many comparable cities with conditions as they are there.

Mr. VALOIS: You said that you could work out statistics to bring down a different conclusion to others. Is that not exactly what you are trying to do? In your first paragraph here you say "In answer to the evidence given you by others that crime statistics do not offer proof"

Mr. SHEA: That is right.

Mr. VALOIS: As a matter of fact your statistics are but a review of other statistics?

Mr. SHEA: I do not know where his statistics came from. I took the official statistics of the United States. I took states of similar populations and living conditions and I attempted to explain them.

Mr. WINCH: Would you say that crime is caused by the environment and not by the penalty?

Mr. SHEA: I personally believe that environment has a great deal to do with all our activities.

Hon. Mrs. HODGES: Do you think that statistics concerning the United States have any validity or value in Canada where our conditions are totally different. We have no large Negro population and the law enforcement is so different. Do you think the statistics are of very much use?

Mr. SHEA: We have always felt that our system is better because we do not have the elected judges.

Mr. THATCHER: If you took the Scandinavian statistics since their conditions are closer to ours they might be valuable.

Mr. SHEA: They have *pot-pourris* in those countries also. Europe is pretty small when you figure the transient population. During the depression days we had a number of men going about the country and I tried to compile some statistics. We bragged that we used to have as many as 100,000 men roving from one part of the country to another. I have discussed these problems with the police of India and the inspector general of India said that in the same year they had over 6 million. Conditions are different, but they still have

the problem. In one of the 19 states of India he has a staff of 15,000 police. I do not think we have even one policeman to 1,000 population generally speaking. There they send 10 policemen to do one job. I took him around here and he said that he would rather have one of our police than 25 of theirs. There they have different standards of life and different education. He said "I have numbers but the quality and the conditions are different."

Mr. MULLIGAN: In addition you have a number of the Scandinavian figures in respect to capital punishment, and do you not think it would be necessary to know about the types of crime in respect to those various things related to that before you make a comparison?

Mr. THATCHER: I agree with you.

Miss BENNETT: Mr. Chairman, having in mind the question which has been raised about the statistics and the confusion they possibly create and the different considerations of environment which enter into the situation would the two witnesses care to comment on what deterrent capital punishment is in safeguarding the public generally and secondly in safeguarding the police?

Mr. SHEA: We have explained that. We feel that it is a great deterrent.

Mr. MULLIGAN: We do know from our own practical experience of the deterrent value of the death penalty. We mentioned it last year and I can only emphasize it again, that we feel in Canada—the police are aware of it—that this country is not prepared yet to abolish the death penalty and to reduce it to life imprisonment. We feel it is a safeguard to the police officer in carrying out his duties and also a safeguard to the citizens. We also feel we have come as far as we possibly can towards the abolition of capital punishment by the methods that are used in dealing with murder cases in our country.

Mr. THATCHER: You say that you definitely know.

Mr. MULLIGAN: We come in contact almost daily with professional criminals, men who would not hesitate to commit a vicious crime and we know in talking to them that they have said that they would not go out on a job of a major crime for fear that in pursuit or in a melee someone would find a gun on them or perhaps someone would be killed and they would be charged with murder and hanged.

Miss BENNETT: That is what I wanted to know.

(Deletion).

The CHAIRMAN: Are there any further questions? If not, I wish to thank the witnesses for attending here today, and for the help they have given to the committee. Thank you very much.

APPENDIX

Brief No. 1

CANADIAN ASSOCIATION OF CHIEFS OF POLICE

MARCH 24, 1955.

Madam Chairman, Mr. Chairman and ladies and gentlemen of the Committee:

The Canadian Association of Chiefs of Police had the great privilege of having a Committee appear before you in April, 1954, at which time we made representations to the effect that we believed Capital and Corporal Punishment should be retained in Canada, and that certain changes in the law should be made in respect to Lotteries so as to permit a more efficient means of law enforcement, with particular emphasis on controls in order that the profit feature to individuals could be removed and that only organized charity should benefit therefrom. Our Association is most grateful to your Committee for hearing us last year and for your kind invitation for us to make further representations on the aforementioned subjects.

When we came here last year, we did not have sufficient time to have a general meeting with our Association members to ascertain their views, but had to content ourselves with the personal views and experiences of the members of the Committee. We are now happy to tell you that after lengthy discussions on all three subjects at our 49th Annual Conference in the City of Toronto in September last, the views we expressed before your Committee last April were wholeheartedly approved by the members. We have now been authorized to speak for the Association and to make such representations as may be available to us to support the contentions already placed before you on the said subjects.

You will have observed that the name of our Association has been changed, the former name was The Chief Constables' Association of Canada, the reason for the change is a long story, but suffice it to say that we believe the new name is more indicative of the character of the organization.

CAPITAL PUNISHMENT

Last year we did not have any statistics on this subject covering the United States, and since Professor Thorsten Sellin of the University of Pennsylvania presented some statistics of that country for a period of years up to and including the year 1948, we thought you would be interested in having the official figures as compiled by the Federal Bureau of Investigation, Department of Justice, Washington, for a period of five years from 1949 to 1953, inclusive. The figures for 1954 have not as yet been made available. Appended to this memorandum is a statement showing the number of murders reported for the 48 States for the said years, together with the population of each State, according to the various municipalities, both urban and rural, reporting to the F.B.I. on crime.

We should like to point out that all police agencies do not report such statistics to the Federal Bureau of Investigation, which is quite clear in appendix "A", because we have shown the population of the various States

in the United States reporting the crimes. However, we respectfully submit that there are sufficient numbers reporting to give a fair approximation of the situation in that country.

For ready reference purposes, since there are only six, we have shown first the group of States which do not have the death penalty, and with the exception of Michigan, the other five are quite small in population. The F.B.I. Uniform Crime Reports do not give the information as to what States have "Capital Punishment", but we have obtained the information in this regard from The Council of State Governments, Chicago, Illinois, and the latest data they have is that there are only the six States we have listed that do not have the death penalty, consequently 42 States, including all the larger ones, with the single exception of Michigan, have retained the death penalty. This agrees with the information contained in Professor Sellin's evidence.

It will be observed in appendix "A" that the F.B.I. Crime Reports referred to for the State of New York are not complete for the years 1949, 50 and 51, for the reason that the City of New York did not supply such information to the F.B.I. for those years, but did do so in 1952 and 1953.

The following is a brief summary of the crime trend in the United States, according to the F.B.I. Reports for the years 1949, 1950, 1951 and 1953. The information in this regard was not available to us for 1952:—

Year	Crimes (General)	Murder
1949	Increased 4.5%	Decreased 8.3%
1950	" 1.5%	Increased 0.4%
1951	" 5.1%	Decreased 2.9%
1952	(Information not available)	
1953	" 6%	Decreased 1.2%

CONTENTION

May we say that we are deeply conscious that many fine and distinguished citizens of both Canada and the United States have given you their views, some of whom hold beliefs and opinions contrary to the views that we have already expressed here and those that we are now going to place before you. We have no quarrel with them and feel that they hold every right to express such views, in fact, we are pleased that these learned people have given testimony on this important subject, because we believe they have strengthened our case and have made us feel more confident than ever that we are right in advocating that the death penalty should be retained in Canada. We have been greatly impressed and comforted by the fairness and frankness of their presentation. We feel it is rather significant that these learned men admit that they have been unable to discover any statistics to sustain their opinions for the abolition of the death penalty, because we gained the impression from their evidence that they had done considerable research.

As Chiefs of Police charged with the responsibility of preventing crime and of the detection of crime, and the apprehension of those who commit it, we humbly beg your indulgence to receive our presentation of facts and views in support of our considered opinion that the death penalty should be retained.

No. 1. In answer to the evidence given you by others that crime statistics do not offer proof either for or against the death penalty as a deterrent to murder, we wish to say that after studying the figures for murder in the United States, we submit that the following table will serve to show a comparison of the number of murders reported by six of the larger States for the 5-year period 1949 to 1953, inclusive. This table has been compiled from the F.B.I. figures shown on Appendix "A". It will be observed that five States

which have the death penalty have a lower ratio per 100,000 of population than Michigan which does not have the death penalty. The most striking example is that of Massachusetts with a reporting population of 3,729,795, including the City of Boston, had a ratio of 1.3 per 100,000 compared to Michigan with a population of 3,850,500 with a ratio of 4.5. Even the great State of New York with a population of 11,665,437 had a lower ratio than Michigan, namely 3.1.

State	Reporting Population	Rate per 100,000	No. of Murders 1949 to 1953	
Michigan	3,850,500	4.5	806	No Death Penalty
Massachusetts ...	3,729,795	1.3	187	With Death Penalty
Pennsylvania ...	5,699,131	1.7	717	" " "
New York	11,665,437	3.1	1820	" " "
California	6,666,927	3.5	1154	" " "
Ohio	4,924,372	4.2	1055	" " "

No. 2. We also offer as strong evidence the fact that the United States, one of the most progressive, powerful and democratic countries of the world, has deemed it prudent to retain the death penalty in 42 of its 48 States, including all of the larger ones, with the exception of Michigan. It is worthy of mention, too, that Great Britain, which can hardly be classed as barbaric or less prudent in humanitarian principles than any other country, have retained Capital Punishment.

No. 3. We believe that the system of law administration in Canada in dealing with murder cases provides the necessary safeguards to prevent innocent persons being put to death. Furthermore, we know of no case in this country of any innocent person having been executed.

No. 4. The statement has been made in the evidence before you that imprisoned Killers are reported to be well behaved convicts. What does it mean? We imagine it is equivalent to saying that the most ferocious beast of the jungle is a rather quiet and docile animal behind steel bars, but we all know what happens if the beast succeeds in getting out of his cage.

No. 5. The statement that murder is the least risky of Canadian crimes would seem to merit little time on the part of this Committee to refute it. We know nothing that will cause greater effort on the part of the police of all forces, even with national or international aspects, or anything that will guarantee better results.

(Deletion)

No. 6. We sincerely believe that all sane persons would prefer a sentence of life imprisonment rather than suffer the death penalty, therefore, we feel that Capital Punishment is definitely an effective deterrent. The adage, "Where there is life, there is hope" would seem to appropriately fit this situation.

No. 7. May we respectfully submit that we find it a rather sad commentary that honest and well-meaning citizens are always vociferous in behalf of criminals, but the poor victims are abandoned to their fate like voices crying in the wilderness.

No. 8. In conclusion, we humbly offer the suggestion that, since the subject of the principles of Christianity have been introduced in regard to the death penalty for murder, we believe that the Government has the same right as is claimed for the forcing of its citizens to put to death our enemies in time of war, which principle has long been accepted by all religious denominations.

CANADIAN ASSOCIATION OF CHIEFS OF POLICE
EXTRACTS FROM UNIFORM CRIME REPORTS OF UNITED STATES
Issued by the Federal Bureau of Investigation

STATE	Population reporting 1953	One per 100,000 1953	No. of murders 1953	Population 1952	No. of murders	Population 1951	No. of murders	Population 1950	No. of murders	Population 1949	No. of murders	Total murders in 5 years	REMARKS
1 Maine.....	317,802	1.6	5	317,802	3	335,119	7	305,489	5	269,289	7	27	
2 *Rhode Island.....	592,322	1.2	7	592,322	7	558,273	5	541,331	6	594,977	3	28	
3 *Michigan.....	3,850,500	4.5	174	3,850,500	150	3,816,542	174	3,796,408	159	3,275,289	149	806	
4 *Wisconsin.....	1,785,401	1.1	20	1,785,401	36	1,781,038	24	1,769,471	15	1,606,286	20	115	
5 *Minnesota.....	1,460,248	1.1	16	1,460,248	16	1,425,700	12	1,435,357	24	1,306,591	11	79	
6 *North Dakota.....	157,009	Nil	Nil	157,009	Nil	157,009	Nil	149,658	Nil	121,649	2	2	
	8,163,282	.....	222	8,163,282	212	8,073,681	222	7,997,714	209	7,174,081	192	1,057	(8,163,282 population had 1,057 murders in 5 years)

* Denotes States which do not have death penalty.

THE FOLLOWING STATES HAVE CAPITAL PUNISHMENT

7 Connecticut.....	1,103,563	1.8	21	1,103,563	21	926,688	17	983,979	14	928,464	17	90	
8 Massachusetts.....	3,729,795	1.3	50	3,729,795	28	3,130,321	36	3,150,907	32	3,661,157	41	187	
9 New Hampshire.....	264,306	0.4	1	264,306	5	243,696	1	247,824	2	239,235	1	10	
10 Vermont.....	99,762	Nil	Nil	99,762	1	101,213	Nil	108,357	Nil	89,577	Nil	1	
11 New Jersey.....	3,271,268	2.7	89	3,271,268	80	2,807,423	72	2,676,918	64	2,592,698	79	384	
12 New York.....	11,665,437	3.1	364	11,665,437	374	3,689,292	48	3,762,066	59	3,558,613	50	895	
13 Pennsylvania.....	3,703,154	1.7	65	3,703,154	77	5,521,062	191	5,401,624	193	5,699,131	191	717	
14 Illinois.....	5,982,544	5.6	340	5,982,544	348	5,930,220	300	5,794,816	312	5,421,344	346	1,646	
15 Indiana.....	1,988,123	3.9	79	1,988,123	106	1,993,443	97	1,926,575	92	1,718,845	88	462	
16 Ohio.....	4,629,078	4.2	199	4,629,078	201	4,924,372	216	4,862,738	201	4,399,102	238	1,055	
17 Iowa.....	1,079,341	1.1	12	1,079,341	19	1,074,935	16	1,043,019	14	912,265	10	71	
18 Kansas.....	827,482	3.8	31	827,482	41	826,469	23	787,616	31	683,684	18	144	
19 Missouri.....	1,842,190	7.5	137	1,842,190	157	1,926,397	130	1,894,861	140	1,706,805	123	687	Note: New York City did not report in 1949, 50 and 51

20 Nebraska.....	534,344	1-9	10	534,344	13	526,138	7	516,706	18	448,503	12	60
21 South Dakota.....	174,799	Nil	Nil	174,799	4	176,695	Nil	157,004	2	116,219	Nil	6
22 Delaware.....	124,845	3-1	4	124,845	4	121,758	6	129,496	8	124,828	11	33
23 Florida.....	1,071,859	10-9	114	1,071,859	103	1,140,440	102	1,217,995	148	829,075	139	606
24 Georgia.....	550,781	15-5	71	550,781	89	955,532	175	966,639	175	794,750	174	684
25 Maryland.....	1,138,506	6-9	80	1,138,506	95	1,137,698	88	1,130,018	86	1,021,478	84	433
26 North Carolina.....	1,023,267	11-3	114	1,023,267	115	1,051,122	110	1,022,311	138	848,909	118	595
27 South Carolina.....	398,367	8-3	35	398,367	30	418,670	52	404,531	40	310,647	44	201
28 Virginia.....	1,197,639	11-6	139	1,197,639	108	1,094,781	114	1,043,566	127	870,982	120	608
	46,400,450	.....	1,955	46,400,450	2,019	39,718,365	1,801	39,239,566	1,896	36,976,311	1,904	9,575
29 West Virginia.....	449,950	6	27	449,950	26	468,012	14	458,736	13	445,277	34	114
30 Alabama.....	963,560	14-9	146	963,560	133	924,087	148	867,430	174	648,833	136	737
31 Kentucky.....	752,071	10-7	81	752,071	71	703,697	76	756,622	79	683,887	58	365
32 Mississippi.....	331,333	9-2	31	331,333	46	431,139	35	398,522	54	266,472	39	205
33 Tennessee.....	1,029,328	11-6	120	1,029,328	143	1,042,644	136	976,043	152	840,481	139	690
34 Arkansas.....	280,558	10-2	29	280,558	26	321,892	27	371,914	28	256,877	29	139
35 Louisiana.....	912,883	8-3	75	912,883	84	1,084,959	88	1,106,427	109	826,596	95	451
36 Oklahoma.....	831,575	5-6	47	831,575	50	800,438	43	781,387	30	650,160	34	204
37 Texas.....	2,886,887	11-4	340	2,886,887	352	3,273,279	345	3,424,937	382	2,245,940	342	1,761
38 Arizona.....	214,040	6-7	14	214,040	16	224,040	6	212,136	12	151,420	8	56
39 Colorado.....	716,559	5-3	39	716,559	27	654,662	19	641,755	18	537,247	28	131
40 Idaho.....	200,713	2	4	200,713	4	190,673	6	188,873	7	145,366	8	29
41 Montana.....	108,723	1-9	3	108,723	4	189,940	4	147,754	4	165,447	5	20
42 Nevada.....	49,651	3-5	2	49,651	4	45,351	2	60,143	5	55,775	3	16
43 New Mexico.....	127,859	1-9	3	127,859	4	224,340	6	210,675	7	93,091	11	31
44 Utah.....	333,184	3-1	10	333,184	7	366,690	5	345,546	6	259,437	7	35

CANADIAN ASSOCIATION OF CHIEFS OF POLICE—Contc.

EXTRACTS FROM UNIFORM CRIME REPORTS OF UNITED STATES—Contc.

Issued by the Federal Bureau of Investigation

STATE	Population reporting 1953	One per 100,000 murders 1953	No. of murders 1953	Population 1952	No. of murders	Population 1951	No. of murders	Population 1950	No. of murders	Population 1949	No. of murders	Total murders in 5 years	REMARKS
45 Wyoming.....	120,389	·8	1	120,389	6	108,512	2	103,752	3	68,919	7	19	
46 California.....	6,596,251	3·5	231	6,596,251	238	6,666,927	234	6,605,580	214	4,762,178	237	1,154	
47 Oregon.....	655,443	2·1	14	655,443	21	616,858	12	654,748	12	498,556	17	76	
48 Washington.....	1,159,047	3·8	45	1,159,047	28	1,184,890	27	1,117,963	34	868,684	32	166	
Brought Forward from page 1 —Items 7-48.	18,779,974 46,400,450	..... .....	1,262 1,955	18,779,974 46,400,450	1,290 2,019	19,523,339 39,718,365	1,235 1,801	19,430,853 39,239,566	1,343 1,896	14,470,643 36,976,311	1,269 1,904	6,399 9,375	Total for States with death penalty.
Total.....	65,180,424	.....	3,217	65,180,424	3,309	59,241,704	3,036	58,670,419	3,239	51,446,054	3,173	15,974	States without the death penalty.
Brought Forward from page 1 —Items 1-6 inclusive.	8,163,282	.....	222	8,163,282	212	8,075,681	222	7,997,714	209	7,174,081	192	1,057	
Grand Total.....	73,343,706	.....	3,439	73,343,706	3,521	67,315,385	3,258	66,668,133	3,448	58,621,035	3,365	17,031	

NOTE: Appendix B to Brief No. 1 was ordered to be deleted by the Committee.

Brief No. 2

CANADIAN ASSOCIATION OF CHIEFS OF POLICE

PART I

CAPITAL AND CORPORAL PUNISHMENT

The Police Chiefs of Canada were very appreciative indeed when informed at their annual conference last September of the invitation extended to them by your Committee to have their representatives meet with you and discuss certain subjects. It was pointed out that of necessity the Chief Constables forming the delegation had to submit their individual opinions, and it was also emphasized that due to the contentious nature of the three subjects to be discussed, any decisions might not be unanimous.

Whilst it is true that the submissions made to your Committee by the police of Canada last year were endorsed, and the Secretary, Chief George A. Shea, of Montreal, together with W. H. Mulligan, Chief Constable of Vancouver, B.C., were authorized to continue to collect data on the three subjects for the further assistance of the Committee, if required, the discussions on Capital Punishment, Corporal Punishment and Lotteries created a great deal of interesting discussion on the part of the Police Chiefs of Canada.

The discussions brought out the facts that the police services in Canada are giving a great deal more attention to the prevention of crime, and are co-operating more closely with probation officers, social workers in the various agencies, prison authorities, medical and social service staffs than formerly. The police have been tremendously impressed with the changes that have taken place in the treatment of offenders in our penitentiaries and provincial institutions. We can see and are aware that the punitive handling of offenders is disappearing, and that the emphasis now is on rehabilitation, attempting to help the offender to become a useful member of society and teaching him to control his behaviour. We have noted that the staffs of prisons are receiving training along these lines, and university students are now studying criminology, and joining prison staffs and the Young Offender units to assist in this rehabilitation work. The police in Canada want the public to know that they too, are progressive and feel that they are keeping up with the industrial and economic growth of our country. It should not be taken for granted that because of the nature of our work we are against the abolition of Capital Punishment. Since the setting up of this Committee, and the attendant newspaper comment and publicity, we are aware of the trend towards the abolition of Capital Punishment, and in fact, we can almost agree with Professor Sellin when he says that "there is a trend away from Capital Punishment and it will disappear in all the countries of Western culture sooner or later." We are worried, however, about the significant reduction in the age group of those who commit the most serious crimes. The group in that category today are between the ages of 18 and 24 years.

It is the considered opinion of the police that we are not ready yet in Canada for the abolition of Capital Punishment. In our submission last year, our main point was that the death penalty for murder acted as a deterrent. In our present submission, we shall attempt to convince you of this, and the fact that we are not ready for abolition yet. Chief George A. Shea has prepared one submission on this subject, and I would like to offer some

additional comments in rebuttal of certain of the views of Professor Thorsten Sellin, Department of Sociology, University of Pennsylvania, as reported in the Joint Committee's minutes of Proceedings and Evidence, No. 17, Tuesday, June 1, 1954 and Wednesday, June 2, 1954.

First of all I will summarize the submissions of Professor Sellin to the Committee, commencing at page 723, as follows:

The Death Penalty

Variety of countries with or without the death penalty are spread throughout the world. Some with the penalty have high homicide rates; some without the penalty also have high rates. Prof. Sellin feels there are other reasons, than the extent of criminality of a homicidal nature in the population, that determines the homicide rate. He feels these reasons are of an intangible character, resulting from the social and economic structure of the country.

Due to the greater understanding of human behaviour there is a trend away from Capital Punishment, and it will disappear in all the countries of Western culture sooner or later.

The Professor states that he will deal with the claims for Capital Punishment "fully recognising that in connection with many of them the evidence is more in the nature of straws in the wind than definite proof" (p. 725).

1. Is the Death Penalty a Specific Deterrent to Murder.

Prof. Sellin examines the effect of executions on murder rates.

A. By comparing murder rates in 14 states with the death penalty to those in 6 non-death penalty states over a period of years. This comparison reveals that the trends of homicide rates with or without the death penalty are similar. Concludes that executions have no discernible effect on homicide rates.

B. Do murders increase when the death penalty is abolished? Do they decrease when it is re-established?

Eight U.S. States abolished the death penalty and later re-introduced it, some after a period of years. Diagram shows the trends in two of these states, and he claims that in neither state did the introduction of the death penalty have any direct effect on the rates for homicide; either for the two states for which diagrams are shown, or the other six. The Professor states that studies of European countries which have experimented with erasing the death penalty shows no connection between the penalty and the homicide rate.

"Generally speaking, the homicide rate continues whatever trend it had before the abolition of the death penalty or before its restoration."

C. Is there special evidence of deterrent effects in the locality in which the executed offender committed his crime?

5 highly publicized crimes, trials and executions during a period of 60 days following the executions.

Executions did not exert a deterrent value for Philadelphia in 1935. (This is a small study, one city 20 years ago, just how valid is it for Canada today, or even Philadelphia.)

Prof. Sellin's Conclusion: No observable relationship between homicide rates and death penalty. "...whether or not a state uses the death penalty, murders will occur in number and frequency determined by other factors inherent in the social, political and economic conditions of the country. The death penalty is no specific deterrent for murder" (p. 728).

2. Errors of Justice

"Justice can never be infallible... there still exists the possibility that in isolated instances an innocent person may be executed" (p. 729). He tells of cases where innocent persons were executed in the U.S.A. Concludes with the statement "But, if there is no way of proving the deterrent effect of the death penalty on others, the execution of a single innocent person becomes indefensible" (p. 729).

On page 673 Prof. Sellin remarks, "I notice that the claim has been made before your Committee that, so far as you have discovered in Canada, no one who was innocent has been executed."

3. Capital Punishment as Cause of Murder

"Cases on record that show that the desire to be executed has caused persons to commit a capital crime" (p. 730) form of suicide.

Police Comment: He cites cases from the 18th and 19th century, only gives one from the 20th century, 1939, remarking "It may well be that cases of this type no longer are common, but they have not disappeared completely" (p. 731).

It is obvious that such cases are mentally deranged persons. With the advances in mental health, and the sciences of human behaviour; psychology, psychiatry, etc., mentally deranged persons are more likely to be recognized and treated in the earlier stages of the disturbance, rather than being allowed freedom in the community whilst in an advanced state of derangement. The risk, while never great, is continually being reduced by our mental health programmes and the advancement of the sciences of human behaviour.

4. Does the Life Sentence Furnish Adequate Protection Against Murder

(A) Contacted prison authorities throughout Europe, found that murderers serving life imprisonment were not disciplinary problems in the prison; evidently behaving no worse than the rest.

Police Comment:—E. H. Sutherland *Principles of Criminology*, 1947. p. 522 "The behaviour in the institution is significant but is not in itself an adequate test of fitness for freedom". p. 526 "No satisfactory method of determining when a prisoner has reformed has been developed; his prison record is generally used, but this is unsatisfactory for the reason that a good prisoner is frequently a poor citizen." The American Prison Association, in their *Handbook of Pre-Release Procedures*, point out the fact that institutional conformity is not necessarily an indication of reformation or a desire to reform. It is a well recognized fact with penologists that behaviour in prison is not an accurate indication of the extent of rehabilitation or self-discipline. Some of the most dangerous psychopaths are well behaved in prison. They realize the situation and adjust to it, only to express again, upon release, their hostility, etc., by further crime.

(B) Prof. Sellin gathered data on released murderers from some European prisons, showing the offences committed by these murderers when released on parole. "It appears from the data referred to above and similar data that the type of criminality which may again be engaged in by a person paroled after serving part of a sentence for murder is no worse than that which may be expected from other prisoners paroled. Indeed the risk of later criminality by a released murderer appears to be very small. Judging from these facts and the manner in which capital offenders are released, it seems that imprisonment and parole offer adequate protection against whatever future damage to society such offenders might do" (p. 763).

Police Query:—But what types were released on parole? Only gives figures for U.S.A., not Europe. Are we to assume that both the premeditated type of murderer and the non-premeditated type were released on parole? At the present stage of development of the parole system, it is likely that the non-premeditated, more reformable type of murderers, were released on parole, leaving a residual of the most dangerous types still in prison, which casts doubt upon the validity of such a claim "that the risk of later criminality by a released murderer appears to be very small".

Studying the transcript of Professor Sellin's interview with the Committee, and to illustrate the police thinking, I propose to outline below certain questions posed to the Professor, together with his answers, and then follow these by questions the Police Chiefs of Canada would like to ask of the Professor or any other competent person familiar with this subject.

On page 683 Prof. Sellin is being questioned by Mr. R. W. Mitchell—

Q. On these graphs then Professor Sellin, would you be prepared in so far as what I call premeditated murder is concerned, to say they would be substantially the same as . . . —A. I said there is a basic assumption underlying these homicide rates; that is, one type of murder is proportionately the same from year to year. It is impossible for me or anybody else to know the exact proportion of murders, premeditated or unpremeditated, in the homicides that occur in a community because that is dependent upon so many things. Some homicides are never discovered; they may be listed as accidents, and so on. Some homicides change definition during the administration of justice . . . Without knowing the details of the administration of justice; without knowing how prosecuting attorneys operate and the whole procedure of getting a case into and through the Courts, the efficiency of the police and so on, it becomes very difficult to draw any specific conclusions with regard to the question you raise as well as with regard to many other problems involved here.

Police Query:—Prof. Sellin *assumes* that for the total number of murders during the year the proportion of premeditated murders remains the same. He does not give any statistics or statements to support such an assumption; even going so far as to admit that it is impossible to know the exact proportion of premeditated or unpremeditated murders that occur. It is these premeditated murders that we should be especially interested in. They are the ones where the death penalty is most likely to be administered. Yet Prof. Sellin admits in his reply to Mr. Mitchell's question that it is very difficult to draw any specific conclusions as to the trend of premeditated murder over the years covered by his charts. Is it possible that the downward trend in the homicide rates given by the Prof. is due to a decrease in the number of premeditated murders? It is possible that this decrease has come about due to increased police efficiency, making detection more certain thereby INCREASING THE FEAR OF THE DEATH PENALTY? Could the downward trend result from a decrease in unpremeditated murders over the years coming about from advances in mental hygiene and living conditions? Or has the advancement in police protection, mental hygiene and living conditions led to a decrease of both types of murders?

Prof Sellin's charts show a downward trend in states with and without the death penalty. What is the difference in premeditated and unpremeditated murders for these states? Do the states without the death penalty have a high proportion of premeditated murders, which would tend to discredit the deterrent value of life imprisonment; or do the states with the death penalty have a high proportion of premeditated murders which in turn would tend to discredit the deterrent value of the death penalty; or is there any difference between the states with or without the death penalty as to the proportions of premeditated and unpremeditated murders? What differences exist in police protection and efficiency for these states, and what effect would such differences have on the

proportions of premeditated and unpremeditated murders. It would seem reasonable to assume that where the police are most efficient, the proportion of premeditated murders would possibly be lower.

Answering another question from Mr. Mitchell on Page 683, Prof. Sellin stated "Now Detroit, which is the only abolitionist state city that I have, with a population of between 1,568,000 in 1930 and 1,623,000 in 1940, had a much larger number of policemen killed; they had 14 killed. There is a difference there of 14, as compared with 9 in Los Angeles. (pop. L.A. 1930—1,238,000; 1940 over 1½ million). But you have to consider the nature, as I said, of Los Angeles and the peculiar character of Detroit, a large industrial city with a tremendously great proportion of adult males. . . ."

Police Query:—Prof. Sellin here compares the number of policemen killed in Detroit (14), which is in a non-death penalty state, to the number killed in Los Angeles (9), which is in a death penalty state. Detroit is the only city, in a non death penalty state, for which he has any figures; his material here is rather limited. As the figures show the populations of these two cities are somewhat similar in size, but he states that Detroit has a much higher proportion of adult males, which are the population class having the greatest amount of crime. His reasoning for the higher number of policemen killed in Detroit, situated in a non-death penalty state, is that Detroit has such a high proportion of adult males, and as already mentioned, they are the ones committing the majority of crimes. The writer is well acquainted with the city of Los Angeles, and believes that Prof. Sellin has neglected to mention certain characteristics which are peculiar to Los Angeles: (1) The degree of transient population, of which the majority are males. Is there any difference here from Detroit? I would suspect that it would be greater for Los Angeles. (2) The negro element who are characterized by crimes of violence. I am inclined to believe there are more negroes in Los Angeles. (3) The presence of the lower class southern migratory workers, commonly referred to in Southern California as "Okies". (4) Larger number of Mexican "wetbacks", usually the more aggressive, violent type of Mexican labourer who illegally crosses the border and finds refuge in Los Angeles. (5) "Pachuco" gangs—gang warfare between various racial elements. (6) A degree of organized crime. (7) A large amount of drug trafficking. (8) Los Angeles harbour contains the shipping facilities of San Pedro, Wilmington, and Long Beach. The latter has a Naval Station and is the home port for a large number of sailors in the Pacific Fleet.

Prof. Sellin fails to point out that although Los Angeles has a smaller proportion of adult males, that such a difference may be compensated for by the characteristics of its population which are significant for crime, especially crimes of violence. Does Los Angeles have the same amount of crime and conflict as Detroit even with a smaller proportion of males? With respect, it would seem that Prof. Sellin's research as to the comparison of these two cities is rather superficial. No valid conclusions could be based upon such figures as he presents in explaining the greater number of policemen killed in Detroit.

On Page 684 Prof. Sellin is being questioned by Mr. Harold E. Winch:

Q. Actually, Sir, my question is this: As a result of your intensive studies, when it comes to the gangster influence in the United States, the death penalty is not a deterrent to the commission of homicide?—A. Apparently not, since gangsters seem to flourish most in death penalty states.

Police Query:—Prof. Sellin's statement to the effect that gangsters flourish in death penalty states is true; but we must consider the nature of the operations of these gangs . . . gambling, narcotics, prostitution, etc., Vancouver is an illustration. Since September, 1954, the efforts of a narcotic drug peddling syndicate to oust another has resulted in one murder, two attempted murders,

three cases of aggravated assault. Such activities flourish in the city. The larger the city, the better these gangs can operate, and the more money they make. It is to be expected that they will congregate in those cities where there is the most money to be made through their illegal activities, which means the largest cities. Senator Estes Kefauver in his report "Crimes in America", 1951, states that "Today the two hubs on which the national crime syndicate revolves are New York and Chicago (page 13)." When we examine those states without the death penalty, Maine, Rhode Island, Michigan, Wisconsin, Minnesota, North Dakota, we do not find cities which compare with either Chicago or New York. There are millions of dollars involved in the operations of such gangs, enough money so that in some states they are able to gain relative immunity from the death penalty or pay someone else to do the killing.

Prof. Sellin states that gangsters seem to flourish most in death penalty states. Not only do they flourish most, but the centres of gangsterism are in death penalty states! It is assumed then that in the non-death penalty states gangsterism does not flourish to a comparable extent as in death penalty states. It would appear then that the danger of gangsterism, and the violence it involves, is not as great in the non-death penalty states. Because these states do not have this gangsterism on the same vast scale, do they require the same amount of protection as provided by deterrents to murder as the danger of gangster killings is not as great?

One has to keep in mind the amount of money involved in the activities of gangsters such as are found operating in New York and Chicago. Very few people truly comprehend the amount of money involved in narcotics, which is only one phase of gangsterism. When the stakes are high, the gangsters are willing to take the risk; the higher the stakes, the greater the risk they will take. In New York and Chicago the stakes are truly high, with the top gangsters gaining immunity through payoffs, etc., or hiring killers. If you remove the risk, or even lessen it, such as a drop from the death penalty to imprisonment, what would happen to the extent of operation of your gangsters with the uncertainty of detection or conviction still remaining?

True the death penalty has not been effective as a deterrent in these states, but as the amount of money involved is so great, and as already explained, that gangsters are willing to take a risk for it, (and the risk is not always so great), therefore, with the introduction of life imprisonment, the risk would be less and THE DETERRENT VALUE CONSIDERABLY REDUCED.

A comparable situation might be thought of in Canada. Suppose you took the death penalty away from the Prairie Provinces, what effect would it have on the murder rate in Canada? If, however, you took it from British Columbia, Ontario and Quebec, where we find the major gangs in Canada operating, what effect would it have?

On Page 688 Prof. Sellin is being questioned by Mr. A. J. P. Cameron:

Q. And you, I take it, agree with the statement that it is the certainty of the punishment and not the severity of punishment which is one of the very greatest agencies in preserving law and order. You agree with that statement?—A. I agree with it, but I would qualify it. I would qualify it in this way. The certainty seems to be more effective in certain types of offences and less effective in others. I think when it comes to murder, even certainty of punishment is a less effective deterrent than in most other crimes. Murder is contrary to all of our deepest instincts. In spite of what seems like rather high homicide rates in the United States, when we consider the tremendous urbanization problem of that country, its great variety of races and population groups, and the many conflict situations that arise in that type of population, I am certainly surprised to find that in 2,421 cities with a total population of

70 million, which is almost half of the population of the United States, there were in 1951 only a total of 3,416 murders and manslaughters. And what is the proportion of murders in that figure of 3,416 . . . chances are that there are much fewer murders than manslaughters; therefore, maybe not more than 1,000 or at the very most 1,500 of these would have been murders. Considering all of the conflict situations in which human beings find themselves, what is it that keeps them from taking lives under certain circumstances if it is not the general moral ideas that have been developed in them from childhood on; a strong sentiment that life is sacred. This is what controls us. Most of us have been in situations where we have been wronged by somebody, perhaps very deeply, but the idea of taking that person's life has never even occurred to us. Why not? Because we have been conditioned that way. Our entire bringing up and all the moral influences to which we have been subjected have made it impossible for us. *So far as the argument of the police is concerned that there are some people who do not carry weapons for fear that they may kill someone and suffer the death penalty. I suspect that what they are afraid of is to take a human life, and not of the subsequent punishment.*

Police Query:—Here Prof. Sellin states that the U.S. has a surprisingly low homicide rate, considering the conflict situations arising in the country. This he ascribes to the moral training provided in the childhood years.

He submits no proof to back up such a statement, so that one could just as well state the low homicide rate in the U.S. is possibly due to THE DETERRENT VALUE OF THE DEATH PENALTY (he admits this himself on p. 683).

It is true that the moral training provided to the child by the family has conditioned a strong sentiment that life is sacred and not to kill. This applies to what may be described as a normal childhood, but what of the type of childhood that develops the psychopath; what is it that stops him from killing? The family is the major agency for installing within the child moral and social controls, being assisted in this by the influence of the community, church, school, etc. In the past, and in some European countries, the family controls were very effective in molding and controlling the child's behaviour, being assisted in this by a tightly knit community and influential church.

Today, however, we are experiencing a breakdown of family solidarity, with the consequence being a breakdown of family controls. The same applies to the church and community; they no longer have the influence they once had in directing our behaviour. This result has come about due to the type of culture we live in, being characterized by competition, individualization with every man for himself, status through the possession of money, etc. As we find such a breakdown of social controls coming about, we find the influence of the family, in the training of the child, in turn being reduced and turned over to other agencies such as the school. Even the police have had to accept the responsibility of controlling the behaviour of many such children.

The result of this breakdown of social controls means that they must be replaced by artificial controls, so you find the growth of our prohibitory laws and police forces. The question which arises is, whether the family today, exerts in all cases sufficient influence to instill in the child our social code, so that prohibitory laws are not needed for control and conformity to the social code. It may for the normal family of today, but more and more families are found to be unable to instill moral values into the child, or even control its behaviour, especially in our larger cities. The rise in juvenile delinquency, which has become alarming in some areas of the U.S. is one aspect of proof showing the decline of the family's control.

Do the moral influences, which Prof. Sellin claims have made it impossible for us to kill, still exert as strong a control over the individual's behaviour

and development? Do they need to be supplemented by deterrents, especially for the increasing number of individuals who have not been subject to such influences during their childhood?

Society has reached the stage where the previous conscience developed in the family, community, church, etc., has been replaced by a public conscience, the police and prohibitory laws. In the Old World the family and community still exercise a strong control, especially so in most of the Scandinavian countries. Consequently, there is not the same need for strong deterrents; these countries are able to operate effectively without capital punishment. However, the New World in contrast is characterized by conflict, both economic and cultural, and a definite breakdown of social control.

On page 694 Prof. Sellin is being questioned by Mr. R. W. Mitchell:

Q. Mr. Chairman, I should like to refer Prof. Sellin to the report of the Royal Commission on Capital Punishment, section 59, on page 20, where it reports: "Capital Punishment has obviously failed as a deterrent when a murder is committed. We can number its failures: but we cannot number its successes. No one can ever know how many people have refrained from murder because of the fear of being hanged". I wonder if Prof. Sellin would comment on that statement?—A. I can only say that, so far as I can see, it is perfectly true.

Police Comment:—No comment necessary.

On Page 704 Hon. Mr. Aseltine makes certain remarks and then puts them as a question to Prof. Sellin:

Hon. Mr. ASELTINE: In Canada, if a man commits murder, he knows if he is convicted he is going to suffer the death penalty. Now, in the United States, a man can be convicted of first degree murder in which case he suffers the death penalty.

The PRESIDING CHAIRMAN: Not in all states.

Hon. Mr. ASELTINE: In cases where it is mandatory. But, he can also be convicted of second degree murder. We have not in this country, as far as I know, anything of that nature at all. It seems to me that when a man in the United States contemplates the commission of a murder he has more than a 50-50 chance of getting a life sentence and not suffering the death penalty at all. Therefore, I cannot see that the figures which have been presented to us by the Professor have very much bearing on the situation we have in Canada at all.

He has presented certain graphs and figures, and I would like him to comment on what I have stated. I will put it as a question. Do the conditions in the United States not vary so differently, or so considerably from what they are in Canada, that the figures which you have given us and the graphs which you have appended cannot apply to any very great extent in this country?

The WITNESS: I am afraid that I do not know enough about Canada to make a comparison because my studies have been entirely limited to the United States and a few of the European Countries. I have presented no figures whatsoever from Canada, nor have I enquired into the effect of the death penalty in Canada. I would have to ask a great many questions myself before I were able to answer that statement.

Police Comment: Here, Prof. Sellin himself, invalidates his study as far as Canada is concerned. This points out and emphasizes the need for a full scale research study in Canada and not trying to apply findings from another country. There are differences in the laws, police enforcement, etc., along with some cultural and economic differences between the United States and Canada. Prof. Sellin in speaking of Canada has entered into the realm of opinion.

On Page 704 Mr. F. T. Fairey asks the Prof. to comment:

Q. Would the Professor like to comment on the statement made by Chief Mulligan of Vancouver, who appeared here, when he expressed concern about the possibility of the abolition of the death penalty and its effect upon the arresting officers. He said that he felt that officers in the discharge of their duties...

The PRESIDING CHAIRMAN: We did discuss that yesterday at great length, but perhaps Professor Sellin would like to make a further comment.

The WITNESS: I can only add one thing in regard to that... When you think of the countries that have abolished the death penalty in Europe, they do not seem to be afraid that as a result of it more policemen are going to be killed. I think these matters are tied up greatly with the whole cultural setting and the condition of the nation.

Police Query: It is true that these matters are tied up with the cultural setting and condition of the nation. The question then arises as to what differences are there between these countries in Europe and Canada or the United States. Do these countries have the same racial and cultural conflicts as we do, the same competitive culture where wealth is so important? Does the family and community exert a stronger control on the individual in these European countries? Do they have organized crime? What is their crime rate? What is the nature of their crime? Do they have the same degree of conflict between police and criminals as we have here? (Not so in England, both police and criminals without guns, yet they still have Capital Punishment.) Do they have the same degree of juvenile delinquency and development of the professional criminal, etc.? I suspect there is stronger social and moral control in these countries and that the crime problem is of a different nature than found in the New World.

On Page 705 Mr. F. D. Shaw brings up some important points by this question:

Q. It was impossible for me to be here yesterday afternoon and I had intended to ask this: Prof. Sellin, I was intrigued by this set of graphical diagrams, I to VII, indicating the homicide death rates in American states. In some states there was death penalties and in some there were not. With respect to this gradual decline in the incidence of death rates, have you indicated what, in your belief, are the reasons for this constant decline as shown through all these diagrams? Would you comment on that?

The WITNESS: I do not know if I commented on the specific reason for it and I am not sure I could give more than an extremely general answer. I think, in part, there have been changes and improvements in our economic and social conditions in the United States over a period of time now which are responsible for the result you mention.

Police Query: As was mentioned previously by Prof. Sellin certainty of detection is the most effective deterrent. When the delegation of Police Chiefs met with your committee last year, we pointed out, in our opening remarks that there had been a tremendous change in the police service in this country over the past two decades. I would like to point out that the same trend applies to the United States, of course. Educational standards for police recruits have been raised. Over this period of years there has been a steady improvement in police techniques and an increased service to the public. Police protection has also increased over the years with advancement in criminal detection, selection of recruit police officers, basic training and refresher courses, increased supervision, broader use of modern scientific aids and specialized branches such as fingerprinting, photography, ballistics, etc., and less corruption.

With this advancement and improvement of the police forces there has been a corresponding advancement in the detection and apprehension of person suspected of murder, so that conviction for murder is more likely now than ever before. Improvement in social and economic conditions have possibly played a role in this gradual decline in homicide rates, but to what extent, and to what extent has advancement in police protection contributed to such a decline?

Could the major reason for this decline be this advancement in the police forces? If so, the question then arises as to whether the police have advanced to a stage where detection and conviction is certain enough that the lesser penalty of imprisonment would be effective as a deterrent. No matter what the penalty is, if the certainty of detection and conviction is reduced, or lost completely, then the effectiveness of the penalty as a deterrent is severely restricted. At the present time our police forces are curtailed in their operation by insufficient budgets, staff become overloaded and are unable to work at the fullest extent of their ability, etc. Being realistic, however, one has to realize that the taxpayers are not willing to provide a sufficient budget for the utmost in police protection. The essence of the question is, whether the police have advanced to the stage (and I think they have) that their detection methods are able to provide certainty of detection; and secondly are they allowed to operate at the level to which they have advanced (I think not).

Thus the provision of the death penalty, with its deterrent value, supplements the deterrent value presently provided by the certainty of detection by the police. Should the death penalty be abolished? Will life imprisonment provide sufficient deterrence to supplement the deterrent value of detection and conviction provided by our police forces? Serious consideration should be given to providing sufficient finances and resources to our police, such that they may operate to the fullest extent of their ability and knowledge, then possibly the certainty of detection and conviction would prove to be so effective a deterrent, that life imprisonment may be feasible.

For those states which show a decline, and have no death penalty, are they not also influenced by the rise in police techniques, broader service, etc., and the publicity surrounding this development; such that a similar deterrent value of police protection has influenced them. Is it possible that police protection is further advanced in these states? Are they states that the most dangerous criminal element does not gravitate towards, or do they lack large cities characterized by gangsterism and crimes of violence, etc.? Is there any validity to a study of this size, carried out on these few states, bordered by states with the death penalty?

Has there been a carry over of the deterrent value of the death penalty, applied in the major portion of the U.S. into these states; population moving in from states with the death penalty where their behaviour and attitudes were formed. What percentage of the population actually know there is no death penalty for their state, simply assuming there is one or believing there is one for the nation as a whole?

The point is, has there been a carry over of the deterrent value of the death penalty into these non-death penalty states, thereby possibly accounting partially for the lack of any difference in the trend of the homicide rates between the death and non-death penalty states?

On page 705 Mr. F. D. Shaw asks this question:

Q. You referred to the general improvement in economics and social conditions. Could you think of any other factors that stand out as a possible reason for this? (decline in homicide rate). Would you agree then that maybe better law, or stricter enforcement of the law, might be a factor?

The WITNESS: I think that on the whole we now have less organized crime in the United States than we had, obviously, in the 1920's or the 1930's, and the highest crime rates tend to be pretty well in the larger cities, so that the larger the city the higher the crime rate; not necessarily so much in criminal homicide as in robbery and burglary offences, for instance. And remember that a great many of what we call murders occur in connection with breaking and entering, holdups, and so on, so that if you have a very high crime rate for robbery there is a likelihood, I should think, that the proportion, or at least the actual number of killings occurring in connection with robbery, would be found where you have a high robbery rate and burglary rate, and the big cities lead in this respect. In so far as there has been a decline in that type of crime, it is bound to be reflected in the homicide rate somewhat. Then, of course, since homicide rates include all the gangster killings, when there is a decline or a change in the nature of organized crime that is bound to be reflected in the homicide rates. Since the depth of the depression and the end of the prohibition era, there has been a downward trend in the homicide rate, as reflected in these statistics.

Police Query:—Prof. Sellin submits that the decline of organized crime in the United States is partially responsible for the decline shown in the homicide rates. Unfortunately, we in Canada, are in the position possibly of having an ever increasing degree of organized crime, as reflected especially in narcotic drug trafficking. The present drug situation in Canada is possibly part of the most advanced criminal organization found anywhere, and involving millions of dollars. Organized crime involves huge sums of money so that many would not hesitate to kill or hire professional killers to protect their interests (recent experiences in Vancouver show this).

In line with Prof. Sellin's reasoning, we may then look forward to an increase in the murder rate, due to the presence and growth of organized crime in Canada. Therefore, this again points out the need for an effective deterrent mechanism; the fear of death and certainty of detection appear the most effective according to some authorities.

Prof. Sellin also states here, that a decline in the robbery and burglary rate is reflected in a decline in the homicide rate somewhat.

This raises the question of what is the robbery and burglary rate in Canada (not the United States)? What is the trend, up or down, and what may we look for in the future?

If there is an upward trend, we may expect, according to Prof. Sellin, an increase in our murder rate. What is our murder rate? Does it follow the trend of organized crime, robbery and burglary as suggested by Prof. Sellin.

We, the police, have gone to considerable length in the matter of Capital Punishment. I have already pointed out that we are looking ahead in regard to protective services for all our citizens. Crime is many sided, and the view one takes of it is obviously influenced by the angle of approach. The police officer sees it very close to the ground from which it springs, but his forthright approach is often discounted as being the "narrow" view. I would like the Committee to feel that the police in Canada are not unhelpful or narrow, and that all we would wish is that the public might have a better understanding of the point of view of the man who meets the criminal face to face—the police officer.

The point has been raised, and I think it was by the member for Vancouver East, Mr. Harold E. Winch, that a proper study be made of Canadian crime conditions. It is our opinion there are not any figures in Canada on which this Committee could accurately base a recommendation to Parliament. Figures

on crime, homicide rates, etc., of other countries are very interesting, and have been of great value in stimulating discussion, but if you were to ask the police for a single recommendation in respect to Capital Punishment, the answer would be:

Leave the death penalty in force; recommend the appointment of a research body to make a survey of crime conditions in our own country, and if necessary, as the result of such a survey, the question of the abolition of Capital Punishment be brought forward for further consideration and discussion at some future period.

CORPORAL PUNISHMENT

It was decided by the Canadian Association of Chiefs of Police assembled in convention in Toronto, Ontario, September 1954, that the submissions on the question of Corporal Punishment made to the Joint Committee by the police delegates be endorsed. It was also decided that the Association had no further submissions to make on this subject.

PART II

LOTTERIES

Members of the Committee will recall that in my submissions on lotteries last year, I mentioned that the offences of gambling, betting and lotteries have caused the police in this country more trouble and concern, and the expenditure of more time in efforts to control them than have any of the other duties we are called upon to perform. I pointed out the sharp division of public opinion on this subject, the one group in favour of broadening the laws relating to lotteries, and the other group which felt that the existing laws should remain in force, or be made even more restrictive. I mentioned too, the unenviable position of the police caught in the middle of this controversy, and quoted several instances in Vancouver where the police had expended time, effort and money in an endeavour to prosecute offenders against the lottery laws only to have their efforts nullified by public opinion as expressed in "not guilty" verdicts of juries, the police being subjected to a storm of ridicule and criticism as a result.

I expressed my personal view that some consideration might be given to broadening the present exemptions in the Criminal Code in respect to lotteries held for charitable purposes, and as you are aware, at the annual meeting of the Canadian Association of Chiefs of Police held in Toronto in September last year, the views of my colleagues and myself on Capital and Corporal Punishment and Lotteries which we presented to you in April were endorsed by the Association membership.

Little did I realize, ladies and gentlemen, that at the very time my brother Chiefs and myself were discussing this matter at our meeting in Toronto, the lottery storm clouds were once again gathering in my home city. This storm blew up from the opposite direction, for when I returned to Vancouver I found the police department under fire, this time for its alleged failure to enforce the lottery laws.

I feel I should give you as briefly as possible the details of this situation as it arose in Vancouver, not with the idea at all of presenting to you merely the police case, but, by quoting from both sides, and referring to opposing viewpoints, bringing you up to date on the problem in Vancouver in the hope that the information may prove of some guidance and help to you in the preparation of your recommendations.

As I remarked when I met you before, I would refer to cases in my own jurisdiction, and I want to repeat now that it is still not necessary for me to go beyond the confines of my own city of Vancouver to provide you with illustrations of the obvious need for amendment and clarification of the existing laws in respect to lotteries.

About the end of September, 1954, a Vancouver newspaper commenced a series of articles dealing with alleged counterfeit lottery tickets and the operation of fraudulent lotteries. In one of the articles, the reporter who wrote the series stated that counterfeit lottery tickets were printed in Vancouver, and photographs of alleged forged tickets were reproduced in the newspaper. He stated that a local printer had been once approached to print both tickets and receipts purporting to be those issued by the Irish Hospital Sweepstake organization.

In another of the articles published on September 30, 1954, it was stated that a million dollar sweepstake was operating in Western Canada with an advertised monthly pay-off in prizes of \$85,000. Identified only as the "Western Canada Employees Sweep" it was stated to be one of several lotteries in which tickets were sold in Vancouver. The reporter estimated that \$100,000 worth of these tickets were sold to Vancouver citizens each month, and said that the tickets had been sold in Vancouver for more than ten years. The tickets were sold for one dollar each, or a book of tickets could be purchased for \$10.00. The seller got two tickets free when he sold the first ten, or he could sell the remaining two tickets as well and pocket the two dollars as profit. The tickets could be bought from hundreds of sources from Vancouver to Winnipeg. The reporter stated that he had spent several weeks of probing to put the pattern of the operation together, and went on to say that four Vancouver men headed the organization. He mentioned that the tickets were printed in Vancouver, and stated that the man who contravened the law by printing them was paid a handsome sum for his one night a month job.

These articles were continued for a period of several weeks. They were written up in a most sensational manner and often carried misleading headlines. They created intense public interest locally, and were reported upon in the press throughout the length and breadth of Canada. Some of the articles by inference implied that certain police officer had been given information by a citizen and had not acted on his information. Prompted by the newspaper stories a member of the Vancouver City Council made a statement at a Council meeting urging the Board of Police Commissioners to take necessary action against those members of Police Department who suppressed this information.

As a result of all this publicity, during the month of October, 1954 the Board of Police Commissioners of the city of Vancouver announced that they had before them for consideration reports in the press and other statements (the newspaper reporter produced a witness to corroborate his allegations), alleging that:

1. Counterfeit lottery tickets are made in Vancouver and sold in the city and environs.
2. That a large fraudulent lottery, that is to say, one that has a fraudulent draw and fictitious prize winners, is in operation in Vancouver and neighbouring places and has been conducted in this manner for a long period.
3. That nearly two years ago the Vancouver Police Department had been supplied with full information about the operation, and the person involved.
4. That despite the information supplied, the lottery continued to operate until the present.

The Board of Police Commissioners then outlined for the benefit of the public their knowledge of the situation in respect to counterfeit tickets, and pointed out that the City Prosecutor of Vancouver had advised them that the mere making of a "counterfeit" of an illegal lottery ticket was not of itself an offence, but that the sale, and in some circumstances the possession of such a ticket would contravene various laws.

The Board dealt with the fraudulent lotteries and the information supplied to the police, and they also dealt with action by the police over the years.

The Board's statement to the public concluded with instructions to the Chief Constable that he should:

1. Consult with the City Prosecutor and take all available means to meet the problem of counterfeit or forged lottery tickets.
2. Enquire into and report the reason for the failure of the police to make new efforts to complete a case against the operators of a lottery known as the Western Canada Employees Association.

Dealing with the first directive, the newspaper reporter who had written these articles turned over his information, including the sweepstake tickets that he alleged were forgeries, to the City Prosecutor and consulted with him regarding the evidence value of his information and exhibits. I then met with the Prosecutor and went into this information at some length and none of it was of any value in so far as leading to a prosecution of the Western Canada Employees Association, nor were any of the exhibits of value for prosecution purposes. However, certain of the information was of some value in prosecutions which we were able to institute sometime later. There was nothing at all on police files to support the allegation that counterfeit tickets on any lottery were being made in Vancouver.

I should mention here that the statement that counterfeit tickets on some of the larger lotteries are made is certainly not discounted by the police, for we know full well that any illegal activity such as the sale of sweepstake tickets offers a fertile field for the racketeer, but I would emphasize that the police in Vancouver have never, at any time, had sufficient information, let alone evidence, to warrant us consulting our City Prosecutor as to the laying of an appropriate charge against any individual or group of individuals in respect to such a racket.

It is my firm opinion that a fraudulent scheme such as the counterfeiting of lottery tickets for such a well known lottery as the Irish Hospitals sweepstake would cause a sensation throughout the Commonwealth countries of the world, and in conversation with many printers in Vancouver the police have found that the printing method (silk screen) used by the Irish Hospitals organization would be exceedingly difficult to duplicate. It was my opinion after examining all the information available to the police, that contrary to newspaper publicity, no problem in respect to counterfeit or forged lottery tickets existed in the City of Vancouver.

In regard to the second directive of the Board of Police Commissioners, I carefully studied all police reports that had any bearing on the Western Canada Employees Association lottery and also on another lottery known as the Big-4 Death Relief Fund lottery. I mention the latter because although the Police Commissioners' public statement was taken as referring to the Western Canada Employees Association only, information on police files showed that these two operations were related. Now the alleged operators of this particular lottery had been active in this type of illegal enterprise for a number of years. As a matter of fact the Vancouver police knew of the lottery's existence as far back as 1945 as the result of exchange of information with other police departments. The same witness produced before the Board of Police Commissioners by the

newspaper reporter, had in fact come to the Vancouver Police almost two years previously, and I found that everything that he gave us in the way of information was already on our files with this exception.

He named two additional principals and also gave us a Vancouver address where the principals were alleged to meet for the purpose of parcelling books of tickets for distribution. The information given us by the citizen at that time was followed up in the usual way, that is, persons, cars, premises, etc., were kept under observation. A police under-cover operative was employed and paid from secret service funds, but despite these measures we were unsuccessful in securing sufficient evidence on which to base a prosecution. Reports by officers of our Gambling Detail clearly showed that after receiving this information from this citizen in December, 1952, the amount of work done on the Western Canada Employees Association case equalled, if not exceeded, the amount of work, time and money expended by the police in Vancouver in investigation and following up on the activities of other lotteries of equal size and importance.

After completing my enquiries I submitted a report to the Board of Police Commissioners as directed. In my report, I pointed out that I had carefully looked into the file in connection with the Western Canada Employees Association lottery and the activities of the members of the Vancouver Police Gambling Detail in relation thereto. It was correct that the file did not show any reports of any police investigation since November, 1953, although there was no doubt that since that date this particular lottery had been active in selling tickets and advertising results of draws. In the absence of such reports I had to admit that there had been some laxity on the part of the police department and that the investigation had been allowed to remain in abeyance. At the same time, however, I informed the Board of Police Commissioners that I was convinced there was no ulterior motive or intent to allow the matter to remain idle. I assured the Board of Police Commissioners that a vigorous attempt would be made on the part of the department to gather information and secure evidence against this lottery and any other illegal activity.

Following receipt of my report, the Board of Police Commissioners then issued a second public statement to the effect that they had received a report from the Chief Constable together with reports from the Superintendent of Detectives and officers who had been in charge of the Gambling Detail during the past two years, which reports they accepted. The Police Commissioners pointed out that they had held many meetings, had read numerous reports and heard various witnesses and could find no evidence of suppression on the part of any of those officers who had had occasion from time to time to deal with this matter. In conclusion, they pointed out that the whole matter was being dealt with personally by the Chief Constable and the City Prosecutor and that they were confident that it would be pursued diligently.

It was, of course, a matter of gratification to me that the Board of Police Commissioners, following their very thorough investigation, expressed their confidence in myself and the members of the police force under my command, for whilst, in recent years, the police in Vancouver have come to regard public criticism of our efforts to enforce unpopular laws, particularly those relating to lotteries, as being all in the day's work, it is an entirely different matter when we are criticised on the grounds that we are not enforcing the law.

A point I would like to make here, ladies and gentlemen, is that successful police enforcement is the intelligent application of information received, and I am sure you will agree with me that there were many, many people in the City of Vancouver who could have come forward at that time, or at any time for that matter, and within a matter of hours of the receipt of their information, the operators of this fraudulent lottery would have been arrested. Are

the police to be held solely responsible for the failure of citizens to fulfill their own responsibilities as citizens in assisting the police in upholding law and order.

We must face up to the fact that the lottery laws in Canada are in disrepute with the people, and to expect the police to successfully enforce them is almost expecting the impossible. I am in full agreement with the remarks of Commissioner L. H. Nicholson of the R.C.M. Police when he said this to you on May 25, 1954:

I think it must be expected that large segments of our population want to take part in gambling of the lottery type, and have very little respect for our present law. Witness the number who buy Irish Sweep-stake tickets and, perhaps more significant, the number who buy tickets on draws that are complete fakes and never take place at all. We know of literally hundreds of thousands of dollars worth of such tickets which have been seized—and I should judge that only a small percentage of the over-all distribution is seized . . . So long as this is the public attitude, I think we might as well be realistic and admit, as with prohibition, that good enforcement under our present laws is unlikely, even impossible.

Now disregarding the unfavourable criticism directed against the Police Department, all the publicity on lotteries which this Vancouver newspaper carried in its pages over a period of several weeks produced some beneficial results, and it is only fair for me here to say that in this respect, the newspaper rendered a public service. First, it brought to the attention of our citizens very forcibly that many of the dollars which they periodically invested in the purchase of lottery tickets never reached their destination, and that in the case of lotteries such as the Western Canada Employees Association, in which it was alleged drawings never actually took place, they were in fact being swindled. This particular lottery, which admittedly had been operating in Western Canada over a number of years closed up entirely, and other lotteries, which whilst genuine insofar as the drawings were concerned, also ceased operations. One in the latter category was that of a club in our neighboring city of North Vancouver which had operated a monthly draw for some seventeen years for the benefit of the hospital in that city. During that time, much valuable equipment had been purchased with the money raised by this lottery. In the heat of all the newspaper publicity this lottery ceased operating, realizing no doubt the possibility of legal action. However, a great deal of local public opinion was to the effect that such lotteries and the good work supported by them should be allowed to continue.

Another effect of the newspaper publicity was that it brought about discussions of our lottery laws by people in every walk of life. The member of the Provincial Legislature of Fernie, B.C. proposed in the legislature in Victoria that lotteries for charitable purposes should be legalized in British Columbia. I am sure the member knew the legislature had no power to do this, but he perhaps had the desire to stimulate discussion on lotteries generally, particularly in view of the fact that your Committee was studying the facts about lotteries in addition to other matters. It was argued by many at that time that our existing laws were too restrictive, and did not give much scope to the citizens who wished to use the funds raised in connection with social service, or financing schools or hospitals.

Still another effect of the wide publicity was reflected in the planning of many worthwhile organizations in Vancouver who take up certain projects, and in raising money for them, plan on holding lotteries. I myself heard many times the remark that the police had banned such and such a scheme. You of course know that the police do not, and cannot "ban" any schemes; all

we can do is warn the organizers that we consider their particular scheme infringes the law, and point out that if they persist in their scheme they might get into trouble. If they do not think the police are right (and I have already admitted that we are not always right) these people are entitled to go on with their plan and have its legality tested in a court of law. But all these people are responsible, respectable citizens, members of service club organizations, whose only interest is to help raise money for various charitable purposes. They are not anxious to go to court, and a great deal of confusion was caused in Vancouver during this period insofar as the money raising plans of these groups were concerned.

In the face of all the newspaper publicity regarding lotteries in Vancouver, and particularly the reference to fraudulent schemes, the cry went up that we must legalize lotteries.

An editorial in a Vancouver newspaper on October 9, 1954, suggested that and I quote "What we must consider and decide is whether the huge sums of money now being spent by the public on various lotteries and sweepstakes is to be placed under control and used for good purposes or whether it is to be spent uncontrolled and largely for the benefit of private promoters and crooks. That is the issue".

Now this is the very thing that I, as a Chief of Police would earnestly draw to your attention as being wrong thinking, and this is not merely my opinion. The Royal Commission that deliberated in 1949-1951 on this topic made a number of recommendations. One of the most important was its recommendation that the laws relating to betting, gaming and lotteries should all be included as far as possible in one new Act of Parliament. This would mean sweeping away a whole number of tangled old Acts, and it is the police thinking in Canada that there is a need for the amendment of our present laws, a clarification of them so that the public can properly understand them, and in short, that we could also benefit by a similar recommendation on the part of your committee.

Although the police are aware that many people do not want any changes made in our lottery laws, we do think that the vast majority feel there ought to be some changes. I have said that the present law cannot be properly enforced, and I want to emphasize that it is impossible to detect and prosecute all the people who, many of them unwittingly, transgress the present tangled set of legal rules on the subject, and there have been many occasions when people have organized money raising schemes which were legally dubious and they have got away with it. Therefore a large number of people feel that to have a law which is often disregarded in this way is not a good thing, nor is it a good thing to have a law which ordinary men and women cannot understand, and cannot therefore be expected to observe and respect.

The British Royal Commission, both in 1939 and again in 1954, made the admission that they expected to find and recommend ways in which large scale lotteries might be legalized. They approached their enquiry with the same attitude as the editor quoted above. Lotteries are operating outside the law and therefore out of control. Legalize them, and thus control them and make them contribute the maximum service to the community. After they had conducted their enquiries, no doubt similar to your own committee, by hearing evidence about current practices and investigating the whole question of control, they surprised themselves with the conclusion, no doubt obtained by the facts, and I quote from the report "We think that it must be recognized that the present law is not strictly observed and cannot be fully enforced". The report continues, "Although we regret that this is so, and would prefer that the law should correspond more closely with the practice, we can see no satisfactory means of achieving this object. We are forced to the conclusion that we cannot recommend any change in the law". The commission referred to the practical

difficulties of strict control of lotteries and said they "are such that no satisfactory scheme could be devised". The Commission referred to the difficulty in operating a lottery, in their own words "The basic difficulty is that there are no logical grounds for restricting the right to promote such lotteries to a strictly limited number of organizations and that if the number is not strictly limited it is probable that lotteries will be promoted for spurious objects and also that many of those promoted for genuine objects will fail. We received no evidence suggesting that the promotion of large public lotteries of this kind should be permitted". Surely these quotations from the Royal Commission report answer the editorial opinion I referred to earlier.

You might think, ladies and gentlemen, that in the light of my own experience with the Police Department in Vancouver in attempting to enforce our present laws, and the embarrassment arising from the more recent criticism of our lack of enforcement that I would be the first to favour what on the surface would appear to be a simple solution of all our difficulties—legalized lotteries. However, such is not the case. I know that making lotteries legal would increase the police problem of control. If this money raising method was made legal every organization or group would start selling tickets. There would be no difficulty finding a worthwhile charity to support. The entire country would be flooded with tickets, each with its particular charity to support by this new miracle method of obtaining money, but there would be no similar multiplying of the purchasing power available for them. A little more money would have to be divided among a lot more charities. The funds would almost certainly not be sufficient to finance the worthy object and thus the charity would fail, or have to resort to some other form of money raising.

I must apologize for the length of time I have taken in dealing with lotteries themselves, that is, of the sweepstake type, to the exclusion of other aspects of the lottery situation, such as Bingo, merchandising campaigns with "give-away" prizes, and other schemes which are closely related; the formation of organizations incorporated under the Societies Act whose objects are for the purpose of assisting in amateur sport and who set up contests to raise money to improve the calibre of sport; the further mention of lotteries insofar as agricultural fairs and exhibitions are concerned. We have had experience with all of these in Vancouver, and whilst because of the length of this presentation, I have not dealt with them, I will be prepared to verbally bring your Committee up to date on these subjects and answer such questions as members may desire to put to me.

